

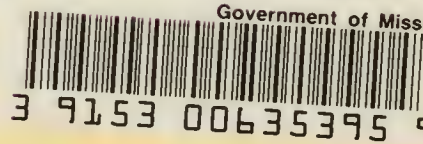
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The GOVERNMENT OF MISSOURI

by

Robert F. Karsch

Lucas Brothers Publishers

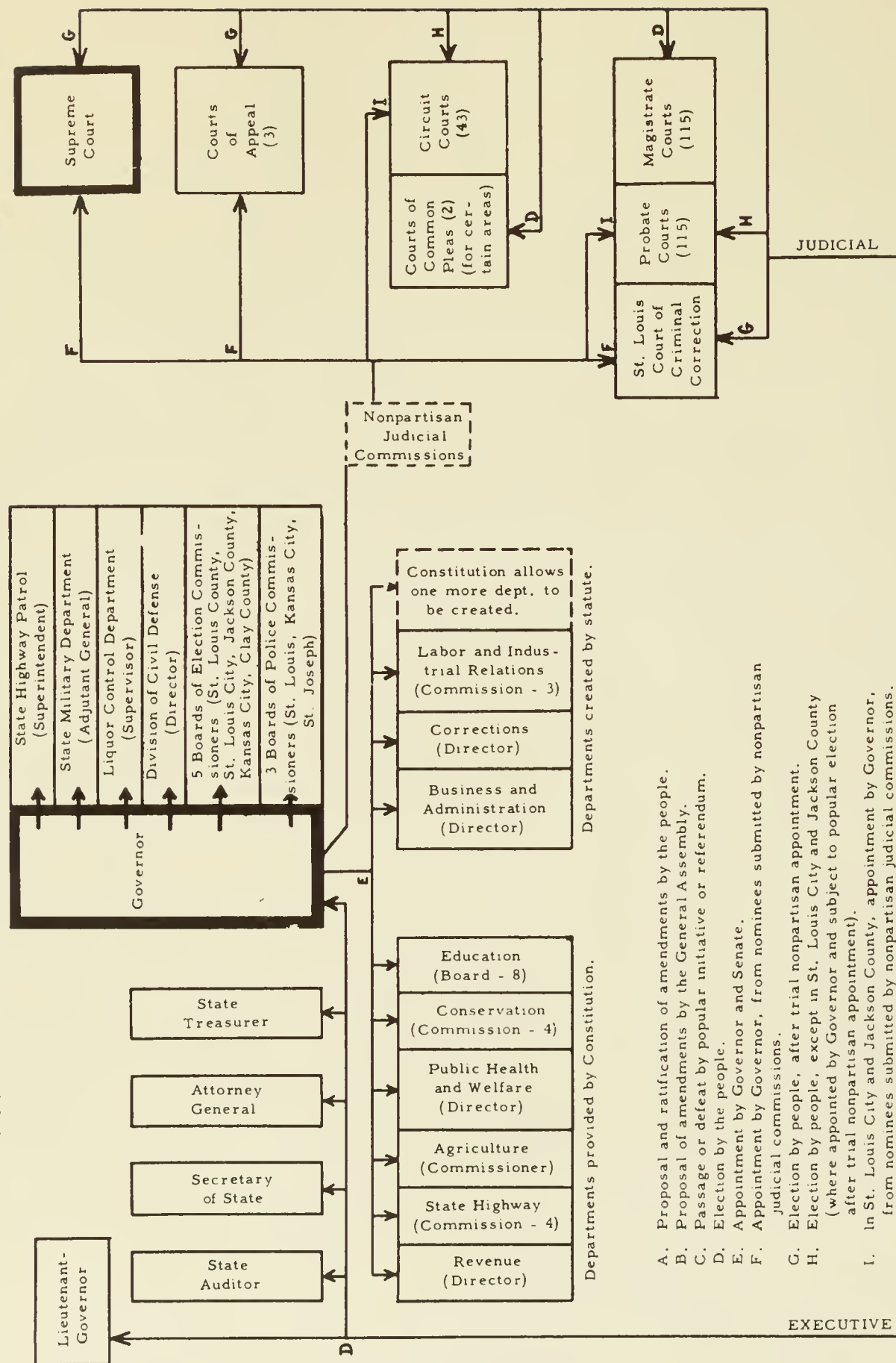
1961

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MO. RESOURCES DIV



The diagram illustrates the flow of the Legislative Branch. At the top, a box labeled "General Assembly" is divided into two sections: "House of Representatives" on the left and "Senate" on the right. An arrow labeled "B" points from the bottom of the General Assembly box to a circle labeled "CONSTITUTION". Another arrow labeled "C" points from the bottom of the General Assembly box to a circle labeled "LAWS". From the "CONSTITUTION" circle, an arrow labeled "A" points to the "EXECUTIVE BRANCH" box on the right. From the "LAWS" circle, an arrow points to the "EXECUTIVE BRANCH" box. The "EXECUTIVE BRANCH" box is divided into "President" and "Cabinet".

JUDICIAL BRANCH



CONSTITUTION AND LAWS

LEGISLATIVE

EXECUTIVE

THE VOTERS

AP 3 —

THE GOVERNMENT OF MISSOURI

7th Edition

ROBERT F. KARSCH

Professor of Political Science

University of Missouri



LUCAS BROTHERS PUBLISHERS

Columbia, Missouri

1961

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PREFACE

The present edition reflects developments in the government of the State of Missouri over the past two years, a period witnessing significant constitutional and legislative changes as well as announcement of the new 1960 federal census figures.

In particular, fuller attention is given to parties and voting, and bibliographical references on various aspects of Missouri's governmental problems have been added at the close of the individual chapters. The unabridged text of the 1945 Constitution has been revised to include the twelve amendments so far adopted. Also reproduced in full are the eight new amendment proposals of the 1961 General Assembly.

Special thanks are due to colleagues, students, journalists, and others whose criticisms and suggestions have enlarged the usefulness of the book.

Robert F. Karsch

Columbia, Missouri
1 August 1961

Chapter 1

THE CONSTITUTION

The constitution of every one of the fifty states has as its chief purpose the regulation of the internal affairs of the state. The national Constitution pre-empts certain functions; it controls matters that go beyond or across the boundaries of any one state; and it prevents states from doing certain things that might hurt people or interests within their borders, like taking life, liberty, or property without "due process of law." Apart from such restrictions the people of a particular state are free to adopt any constitution and laws they please.

It is generally conceded, however, that a good written constitution will be marked by certain characteristics. It should be relatively brief, confined to fundamentals, simple in language, and reasonably flexible in applicability to new situations. These characteristics, while prominent in the national Constitution, are far from prevalent in state constitutions. In fact, the trend in new state constitutions seems ever to be in the direction of greater length, inclusion of detail more properly left to statutes, increasing use of technical and legalistic language, and firmer rigidity in the face of new conditions.

Missouri has been governed under four constitutions during the period of its statehood, and these bear out the trends just mentioned.

CONSTITUTION OF 1820. Pursuant to the Congressional Enabling Act of 6 March 1820, Missouri framed its first and shortest constitution. This was accomplished by a 41-delegate convention meeting at St. Louis from 12 June to 19 July 1820. The constitution was put into force without being referred to a popular vote.

The document was brief and general in its terms. The form of government included a two-house legislature, an elected governor and lieutenant governor, and other executive officials and judges appointed by the governor. The constitution displayed large trust in the legislature, not burdening it with many of the restrictions to be added in later years. The state treasurer was elected by the legislature. The power of amending the constitution was given to the legislature alone, the people having no share in it. Little was said of suffrage, elections, and local government.

REJECTED CONSTITUTION OF 1846. A large population increase during the early years of statehood raised the question of a new apportionment of representatives for the state legislature. This factor, plus some dissatisfaction with the method of appointing judges, led to the calling of Missouri's second constitutional convention, which met at Jefferson City from 17 November 1845 to 14 January 1846.

This body offered the voters a frame of government which they turned down at a special election in August 1846, but which contained several provisions destined to be adopted in later years. The draft document provided for a new distribution of representatives in the legislature, for election instead of appointment of some of the judges, for shorter terms of some judges, for more restrictions on the powers of the general assembly, and for a direct popular vote on all proposed amendments to the constitution.

Principal reasons for popular rejection of the document seem to have included dissatisfaction with the way some counties would be represented in the legislature, and objection to the proposed election of judges. The reapportionment problem was disposed of later by two amendments, in 1847 and 1849; election of judges was brought about in 1851 by two more amendments.

CONSTITUTION OF 1865. During the unfortunate conditions of the Civil War the government of Missouri went through a series of crises, one result being the holding of a new constitutional convention at St. Louis from 6 January to 10 April in 1865. The so-called "Drake Constitution," written by this body, was adopted on 6 June 1865 by a very close popular vote of 43,670 to 41,808.

As was to be expected in the aftermath of the Civil War, the new fundamental law was strongly anti-Confederate in tone. While retaining most of the basic governmental structure of the preceding regime it contained new clauses confirming the emancipation of slaves and restricting the right to vote to persons who were "loyal." As with the rejected document of 1846 the new constitution placed further limitations on the legislature and added a provision requiring that all proposed amendments to the constitution be ratified by the people before going into effect.

It is not surprising, considering the strong Southern sympathies of many Missourians, that this constitution was short-lived. Although some of the rougher edges were removed by amendments the people discarded the entire document in 1875 in favor of a new one. The "Drake Constitution" had lasted ten years--longer than any other of the "Civil War constitutions" of Southern states.

CONSTITUTION OF 1875. Missouri's third constitution, the one with the longest life so far, was the constitution of 1875. This was framed by a convention which met at Jefferson City from 5 May to 2 August in 1875, and was ratified on 30 October 1875 by a large popular vote of 91,205 to 14,517.

This constitution was lengthier than its predecessors. It included many restrictions on the legislature, most of them having to do with state finances. There were detailed provisions for the levying of taxes, the making of appropriations, and the borrowing of money. Numerous restrictions were applied to railroads and other corporations. Top officials of the executive branch of the government were to be elected for four-year terms, and the five supreme court judges for ten-year terms. A new provision, the first of its kind anywhere in the United States, gave to cities of 100,000 population or more the privilege of self-government under a home-rule charter.

As the years passed and Missouri's population increased, new social and economic problems called for corresponding adjustments in government. To meet the demand a total of 172 constitutional amendments were submitted to the people, 61 of these securing ratification. One, adopted in 1908, established the initiative and referendum, devices for allowing the people to initiate and vote directly on laws. Another, in 1920, required that every twenty years the people should vote on the question of holding a constitutional convention.

With these and other amendments the constitution of 1875 became a lengthy mixture of general clauses and detailed clauses, of fundamental law and secondary matter. By 1940 only six states had longer constitutions than this one. Some critics believed that Missouri was electing too many officials, since not only the top legislative and executive officers but judges as well were being chosen directly by the people. A growing evil was the inefficient arrangement and make-up of many of the offices inside the executive branch, which had built up helter-skelter by statute with little guidance from the constitution.

Shortly after World War I it became apparent that the constitution was seriously inadequate as a fundamental pattern of government. In 1921 the people voted to hold a constitutional convention for the purpose of undertaking a general revision. This convention, which met in Jefferson City from 15 May 1922 to 6 November 1923, recommended 21 broad amendments. Only six of these were adopted by the people. Even the outstanding improvement in the selection of judges, accomplished through an amendment in 1940 (later carried over into the Con-

stitution of 1945), could not save the old document. By the time of World War II there had developed among many public leaders the strong conviction that an overall revision was badly needed.

CONSTITUTION OF 1945. When, in accordance with the terms of the amendment of 1920, the question of calling a constitutional convention was put to the voters of the state on 3 November 1942, the proposition carried by a vote of 366,018 to 265,294 (the combined vote amounted to 68% of the total vote cast for state superintendent of schools at the same election). On 6 April 1943 eighty-three convention delegates were elected--a Democrat and a Republican from each of the state's 34 senatorial districts, plus 15 delegates-at-large. The latter were elected on a slate agreed to by the leaders of both parties; they consisted of seven Democrats, seven Republicans, and one anti-New Deal Democrat.

The group, generally speaking, consisted of able persons motivated by a genuine desire to give the state a good constitution. Of the 83, more than half had previously held elective public office; twenty had held more than one such office. Twenty-two had served in the state legislature, two in Congress, two in the constitutional convention of 1922-1923, four as mayor of their respective cities, four others on the city council, one as state treasurer, and one as governor. A variety of other county and local offices were represented. Occupationally the group fell into the following categories:

| | |
|----------------------------------|----|
| Law | 40 |
| Business | 10 |
| Professions other than law . . . | 8 |
| Farming | 7 |
| Newspaper | 7 |
| Real estate and insurance . . . | 7 |
| Labor | 2 |
| Housewife | 2 |
| Total | 83 |

The convention met in Jefferson City from 21 September 1943 to 29 September 1944. The Constitution which it wrote was submitted to the electorate of the state at a special election on 27 February 1945, and was adopted by about a 60% majority vote.

Ratification support came mostly from the northwest quarter of the state and from the St. Louis and Springfield areas. The liberal tone of the Constitution on the race question (e.g., Article IX, Section 1) found a sympathetic response from counties without race problems, while an adverse response was noticeable from more race-conscious counties. In many other counties the vote was extremely close. There seems to have been little party politics involved in the campaign over ratification, although a comment was frequently heard afterwards that "the Democrats called the Convention but the Republicans adopted the Constitution."

What counted for the adoption of the Constitution was of course the popular vote and not counties as units. It may be observed nevertheless that in general the Republican counties showed more inclination toward the new document than did the Democratic counties. This will appear from a consideration of the party situation in the elections of 7 November 1944. In these elections, judging by the vote for national, state, and county officials, there were 65 Republican counties, 44 Democratic counties (including the City of St. Louis, which has both city and county status), and 6 divided counties. Of the 65 Republican counties, 35 voted for the Constitution and 30 against it in the special February election. Of the 44 Democratic counties, 16 voted for the Constitution and 28 against it. Of the 6 divided counties, 3 voted for the Constitution and 3 voted against it. Altogether 54 counties (35 Republican, 16 Democratic, 3 divided) voted for the Constitution and 61 counties (30 Republican, 28 Democratic, 3 divided) voted against it.

As to length the new Constitution, at the time of its adoption, was considerably shorter

DELEGATES TO THE MISSOURI CONSTITUTIONAL CONVENTION, 1943 - 1944

Delegates-at-Large

Blake, Robert E. Lawyer. Webster Groves
 Shepley, Ethan A.H. Lawyer. St. Louis
 Phillips, V.E. Lawyer. Kansas City
 Righter, Richard Lawyer. Kansas City
 McReynolds, Allen Lawyer. Carthage
 Heege, George F. Lawyer. Clayton
 Daniels, Leo T. Editor & Publ. Ellington
 Meador, L.E. Teacher Springfield
 Wood, Reuben T. Labor Executive. Springfield
 Hargis, Mrs. Amanda D. Housewife. Springfield
 Cope, Clyde C. Lawyer. Clayton
 Brown, R.W. Farmer. Carrollton
 Finnegan, James P. Lawyer. St. Louis
 Morton, Stratford Lee. Insurance Clayton
 Bradshaw, William L. Teacher Columbia

Democratic District Delegates

District

1. Ford, Marshall E. Lawyer. Maryville
 2. Mayer, Charles H. Lawyer. St. Joseph
 3. Park, Guy B. Lawyer. Platte City
 4. Moore, Rex H. Lawyer. Trenton
 5. Stayton, Edward M. Civil Engr. Independence
 6. Marr, P.M. Lawyer. Milan
 7. Allen, William H. Lawyer. Kansas City
 8. Maupin, Wade W. Lawyer. Carrollton
 9. Simpson, H. Greene Newspaper. Kirksville
 10. McCluer, Franc L. College Pres. Fulton
 11. Wisdom, Carroll Farmer. Bowling Green
 12. Fogle, Earl E. Lawyer. Lancaster
 13. Clayton, George D., Jr. Insurance Hannibal
 14. Duncan, C.S. Funeral Dir. New Franklin
 15. Gouge, Dr. M.E. Veterinarian Sedalia
 16. Julian, Vance. Lawyer. Clinton
 17. Wood, R.F. Teacher Warrensburg
 18. Sater, James E. Lawyer. Monett
 19. Brown, Omer E. Lawyer. Ozark
 20. Williams, Frank B. Lawyer. Springfield
 21. Hemphill, J.A. Farmer. Kennett
 22. Searcy, L.N. Lawyer. Eminence
 23. Arnold, Claude. Lawyer. Puxico
 24. Downes, Oliver D. Farmer. Bourbon
 25. Hughes, A. Evan. Lawyer. Overland
 26. Damron, Charles P. Lawyer. Farmington

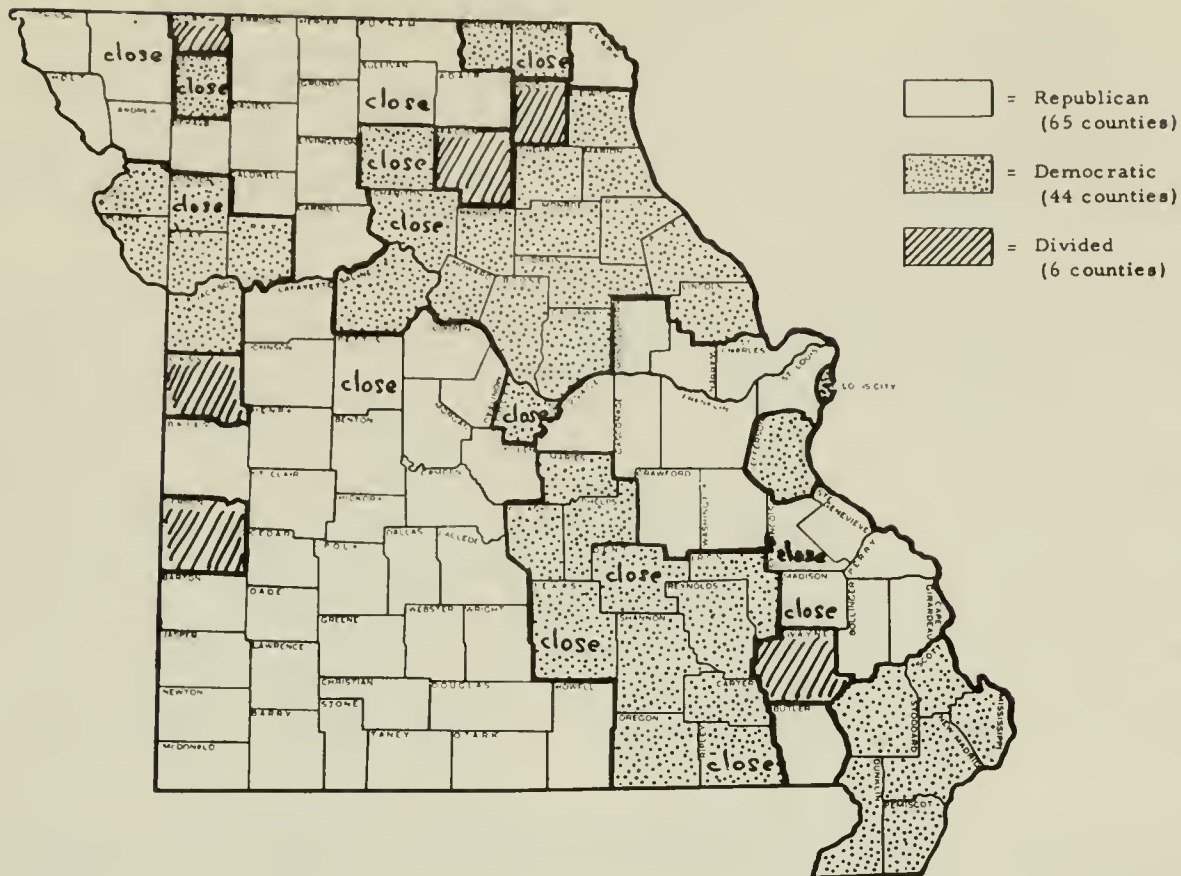
27. Nacy, Richard R. Banker Jefferson City
 28. Hanks, W.O. Lawyer. Joplin
 29. Dickmann, Bernard F. Realtor. St. Louis
 30. Slay, Joseph Merchant St. Louis
 31. FitzGibbon, Richard J. Salesman St. Louis
 32. Hennings, Thomas C., Sr. Lawyer. St. Louis
 33. Hogan, Edward J., Jr. Labor Leader. St. Louis
 34. Clark, William. Insurance St. Louis

Republican District Delegates

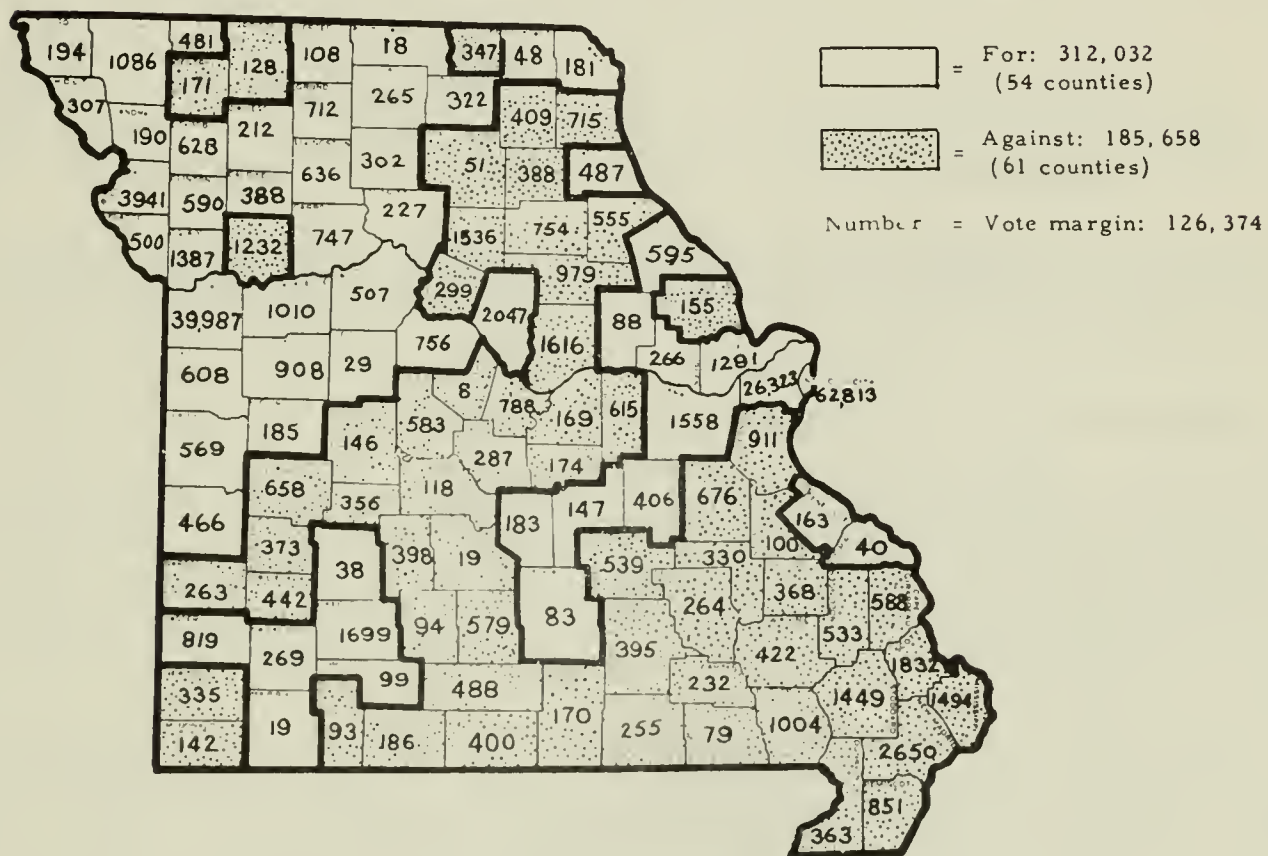
District

1. Miller, Bert Lawyer. Grant City
 2. Lindsay, Alva F. Lawyer. St. Joseph
 3. Robinson, John J. Lawyer. Maysville
 4. McVay, Don C. Merchant-Lawyer. Trenton
 5. Smith, Israel A. Lawyer. Independence
 6. Benecke, Ruby W. Lawyer. Brunswick
 7. Opie, J.T. Merchant-Mfg. Kansas City
 8. Tee, O.C. Lawyer. Hamilton
 9. Robinson, William T. Farmer. La Plata
 10. Kehr, Elroy C. Newspaper. Marthasville
 11. Pitney, Victor M. Ins. & Real Estate. Louisiana
 12. Seyb, Charles M. Contractor Kahoka
 13. Deason, Leslie C. Salesman Hannibal
 14. Kirchner, R.E. Farmer. Syracuse
 15. Petts, Robert B. Abstract & Ins. Warsaw
 16. Grome, Mrs. Carl A. Housewife. Clinton
 17. Taubert, A.G. Newspaper. Warrensburg
 18. Garten, Meredith Newspaper. Pierce City
 19. Crain, Joe C. Lawyer. Ozark
 20. Potter, Howard C. Lawyer. Springfield
 21. Naeter, Fred W. Newspaper. Cape Girardeau
 22. Burkhead, C.W. Newspaper. Houston
 23. Kirk, George W. Lawyer. Sikeston
 24. Kreamalmyer, Albert Timber Dealer. Steelville
 25. Stevens, E. McDonald Lawyer. University City
 26. Jones, Kirk Businessman. De Soto
 27. Duensing, Ed. A. Lumber Merchant. Jefferson City
 28. Manlove, Joe J. Lawyer. Joplin
 29. Hullverson, Everett Lawyer. St. Louis
 30. Wesley, Frank A. Realtor. St. Louis
 31. Babler, Jacob L. Farmer. St. Louis
 32. Parker, Jones H. Lawyer. St. Louis
 33. Koenig, Fred. Supervisor. St. Louis
 34. Phillips, Alroy S. Lawyer. St. Louis

PARTY VOTE IN ELECTIONS OF 7 NOVEMBER 1944
(For national, state, and county offices)



VOTE ON THE CONSTITUTION, 27 FEBRUARY 1945



than the one of 1875 with its long string of 61 amendments. A more accurate comparison, however, will reveal that the bare new Constitution, the text of which numbered more than 26,000 words before adding amendments, is actually longer than the bare constitution of 1875 (some 24,000 words) before amendments were added to the latter. Constitution-making in Missouri bears out the trend of states in general toward ever longer and longer constitutions. Furthermore the inevitable stream of amendments is continuing unabated--there have been twelve already since 1945, and eight more are scheduled for the 1962 elections. At the present time Missouri's Constitution ranks about ninth in length compared with the other state constitutions.

State constitutions in general tend to be longer than the national Constitution for various reasons, all of which have been present to help account for the length of the Missouri document. One is the necessity of including provisions regarding certain matters, such as education and conservation, not normally within the scope of powers of the national government. Another is the inclusion of numerous limitations on the state legislature, the need for such additional safeguards being argued on the basis of the state legislature's potentially broad field of undefined "reserved powers." It should be recalled that the Tenth Amendment to the national Constitution reserves a wide stretch of unnamed powers "to the states respectively, or to the people." A third reason for long state constitutions is the tendency for the people to freeze into their fundamental documents certain non-fundamental laws which would normally be left to statutory enactment were it not for popular distrust of the legislature. A final reason is the penchant for legal verbiage and redundancy, so uncharacteristic of the national Constitution.

As to both content and organization, the new Missouri Constitution is decidedly superior to the one which it replaced. The most striking improvements relate to the executive branch, to the general modernization of the government, and to the orderliness and arrangement of the document as a whole.

At the beginning there is a short Preamble, carried over from the constitution of 1875: "We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this Constitution for the better government of the State." It may be recalled that reference to Deity is absent from the preamble to the federal Constitution. Next come the following main divisions:

| | | |
|----------------------------|------------------------------|------------------|
| I. Bill of Rights | V. Judicial Branch | IX. Education |
| II. Distribution of Powers | VI. Local Government | X. Taxation |
| III. Legislative Branch | VII. Public Officers | XI. Corporations |
| IV. Executive Branch | VIII. Suffrage and Elections | XII. Amendment |

Most of these will be explained in subsequent chapters. The portion on amendment, closely connected with the process of making the Constitution, may be treated at the present point.

According to Article XII amendments may be added in any one of three ways listed in the accompanying table. Regardless of which method is chosen, two basic consecutive steps are necessary for validly amending the Constitution. First, the amendment must be proposed, or put formally before the people. Second, the amendment must be ratified by a vote of the people. The three methods of proposal, together with the type of ratification required for each, are indicated in the accompanying table. It should be noted that either the people or the legislature may propose amendments, but only the people can ratify them.

Through mid-1961 eighteen amendment proposals, all submitted by the General Assembly, have been acted on by the voters of Missouri. Twelve of these were adopted. At the time this is written eight others proposed also by the General Assembly are pending, to be voted upon at the general election in November 1962 unless the Governor designates an earlier date. (The texts of adopted and pending amendments are included at the back of the book.)

AMENDING PROCEDURE

| Proposal | Ratification |
|---|--|
| By the <u>General Assembly</u> at any time, if a majority of each house agree. | By a simple majority of the votes cast in a popular election (either the next general election in November, or an earlier one specially called by the Governor). |
| By <u>popular initiative</u> . Initiative petitions stating the proposed amendment must be signed by at least 8% of the legal voters (the number who voted for Governor at the last election) in each of at least 2/3 of the state's eleven congressional districts. These petitions must be filed with the Secretary of State at least 4 months before the election. Such an amendment proposal may contain only one amended or revised article. | Same as above. |
| By a <u>constitutional convention</u> . The question of calling a convention is to be voted upon by the people every 20 years (next time 1962), or at any other general or special election if the General Assembly so orders. Election of delegates takes place from 3 to 6 months after the vote which calls the convention. The convention meets within 6 months after election of delegates. | By the people from 2 to 6 months after adjournment of the convention. The convention itself decides on all terms and arrangements for submitting the new amendments (or new constitution) to the people. |

There has been no formal amendment proposal by the initiative since the new Constitution went into effect, although several attempts have been made. Prior to 1945 the constitutional initiative was used a great deal. Between 1908, when the device was adopted, and 1945, it supplied proposals at every general election except those of 1922 and 1942. A total of 37 amendments were proposed, nine of which were approved (see table at end of chapter 10).

The calling of a constitutional convention, having in mind broader revision than that contemplated in the normal amending process, may be done either automatically at the 20-year intervals or at some other general or special election if so ordered by the General Assembly. In 1845 and 1864 the state legislature, out of deference to popular expectation, submitted to the people the question of holding a convention. The constitution of 1865 included a new provision requiring popular approval for future conventions. A constitutional amendment adopted in 1920 added the further stipulation that the question must be submitted automatically at 20-year intervals, which provision was retained in the new Constitution of 1945. The first vote under the new provision was in 1921, and resulted in the calling of the convention of 1922-1923. Similarly the second vote, in 1942, resulted in the calling of the convention of 1943-1944. It may be interesting to note that every time the question of holding a constitutional convention has been submitted to the voters of Missouri--in 1845, 1864, 1874, 1921, and 1942--it has been answered in the affirmative.

The General Assembly may of course submit the question at any general or special election, if it chooses, but since members of state legislatures are generally conservative on the subject of framing new constitutions it is likely that popular votes on the holding of conventions will be confined to the automatic 20-year arrangement. Apparently it is not possible, under the present reading of the Constitution, for a convention to be called through initiative petition. Oregon is the only state allowing popular initiative to call a convention.

Although the government of Missouri has been operating on the whole very well under the Constitution of 1945, there are a number of respects in which the system could be improved. The increased problems of local government, particularly with regard to finance, the absoluteness of the Governor's vetoes at the end of a legislative session, the ineligibility of the Governor to succeed himself, and the elections pile-up in November of leap years, are matters of increasing concern to many. The Constitution of 1945 provided for the state a fundamentally sound and coherent framework of government. What is now needed is a series of adjustments chiefly called for by increasing economic and social complexities following World War II. If a general revision session should be ordered for 1963, perhaps the body then assembled would take advantage of the opportunity to shorten the Constitution, to show more faith in the legislature by removing some of the many technical restrictions on its powers as well as some of the detailed statutory matter that has crept in over the years.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF 1945
(All proposals to date have been submitted by the General Assembly.)

| PROPOSAL AND CITATION | ELECTION DATE | RESULTS |
|---|-----------------|------------------------------|
| 1. To give members of the General Assembly a per diem for expenses. (III: 16a) | 5 November 1946 | Defeated 312,941 to 437,487. |
| 2. To increase gasoline tax. (IV: 34a) | 2 November 1948 | Defeated 462,323 to 694,960. |
| 3. To allow cities of 40,000 to pension employees and their dependents. (VI: 25) | 2 November 1948 | Adopted 542,414 to 480,507. |
| 4. To provide a soldiers' bonus. (III: 49) | 2 November 1948 | Defeated 440,159 to 629,586. |
| 5. To allow increase in school tax in certain cases. (X: 11) | 7 November 1950 | Adopted 616,337 to 451,229. |
| 6. To limit legislative sessions, and to authorize daily expense for legislators. (III: 16a, 20a) | 4 November 1952 | Adopted 638,147 to 440,674. |
| 7. To raise the maximum permissible indebtedness of school districts. (VI: 26b) | 4 November 1952 | Adopted 686,025 to 448,394. |
| 8. \$75,000,000 bond issue for state buildings and properties. (III: 37a) | 24 January 1956 | Adopted 114,570 to 46,609. |

(continued on next page)

PROPOSED AMENDMENTS TO THE CONSTITUTION OF 1945

(Continued)

| PROPOSAL AND CITATION | ELECTION DATE | RESULTS |
|--|-------------------|------------------------------|
| 9. To establish annual legislative sessions. (III: 16, 16a, 20, 20a) | 6 November 1956 | Defeated 357,333 to 664,252. |
| 10. To increase permissible tax rate for local roads and bridges. (X: 12) | 6 November 1956 | Defeated 401,647 to 613,015. |
| 11. To permit investment of idle state funds. (IV: 15) | 6 November 1956 | Adopted 722,774 to 295,259. |
| 12. To increase pay of legislators. (III: 16) | 2 April 1957 | Defeated 192,856 to 279,829. |
| 13. To remove preaudit functions of State Auditor. (IV: 22, 28) | 4 November 1958 | Adopted 415,126 to 329,232. |
| 14. To allow 60-day residence for voting in presidential elections. (VIII: 2) | 4 November 1958 | Adopted 561,413 to 248,733. |
| 15. To provide for continuity of state government in case of enemy attack. (III: 46a) | 8 November 1960 | Adopted 932,821 to 245,143. |
| 16. To allow legislature to set own salaries, to increase mileage allowance, and to lengthen sessions. (III: 16, 16a, 20a) | 8 November 1960 | Adopted 576,104 to 549,762. |
| 17. To renew state park fund through 1972. (III: 47) | 8 November 1960 | Adopted 730,554 to 366,614. |
| 18. To authorize municipalities to acquire and finance properties for industrial purposes. (VI: 23a, 27) | 8 November 1960 | Adopted 553,003 to 541,437. |
| 19. To authorize new apportionment of proceeds of gasoline tax. (IV: 30a, 30b) | 3 April 1962 * | |
| 20. To authorize any political subdivision to pension its employees. (VI: 25) | 6 November 1962 * | |
| 21. To permit St. Louis City and St. Louis County to increase revenue tax. (X: 11b) | 6 November 1962 * | |

(continued on next page)

PROPOSED AMENDMENTS TO THE CONSTITUTION OF 1945

(Continued)

| PROPOSAL AND CITATION | ELECTION DATE | RESULTS |
|---|-------------------|---------|
| 22. To permit taxation for airports in political subdivisions. (X: 11c) | 6 November 1962 * | |
| 23. To allow use of public money for public school teachers pension. (III: 38a) | 6 November 1962 * | |
| 24. To permit increase of St. Louis city school tax, with limitation. (X: 11c) | 6 November 1962 * | |
| 25. To establish permanent joint committee to review rules and regulations of administrative agencies. (III: 35a) | 6 November 1962 * | |
| 26. To broaden the powers of St. Louis County. (VI: 15, 18c) | 6 November 1962 * | |

* Tentative

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The text of the Missouri Constitution of 1945 is to be found in the 1945 volume of Laws of Missouri. The Constitution also appears, together with an analytical index of its contents and citation of recent court cases involving its clauses, in Vol. 4 of Revised Statutes of the State of Missouri, 1959. An expanded edition of the Constitution, with annotations indicating the historical genesis of its various sections, is issued every four years (if amendments have been added in the interim) as a separate document by the Secretary of State under the title The Constitution of the State of Missouri. The most extensive edition of the Constitution, its historical antecedents, and its growth through court decisions is found in the first two volumes of the privately published Vernon's Annotated Missouri Statutes, which also contains the complete texts, with amendments and historical notes, of Missouri's earlier constitutions of 1820, 1865, and 1875.

The records of Missouri's constitutional conventions are not as full and accessible as might be desired. For the first three conventions--those of 1820, 1845, and 1865--there exist published journals of actions taken but no published records of debates. The journals bear the following titles: Journal of the Missouri State Convention (St. Louis, 1820); Journal of the Convention of the State of Missouri (Jefferson City, 1845); and Journal of the Missouri State Convention (St. Louis, 1865). The journal of the 1875 convention was published in two volumes in 1920 by The State Historical Society of Missouri under the title Journal: Missouri Constitutional Convention of 1875. This Society rendered a notable service by also publishing the Debates of the Missouri Constitutional Convention of 1875, a twelve-volume work appearing in 1930 under the editorship of Isidor Loeb and Floyd C. Shoemaker.

The journal and debates of the constitutional convention of 1922-1923 were issued in day-by-day pamphlet form with no continuity in pagination. There are possibly several bound collections of these pamphlets in the leading libraries of the state. That kept by the State Historical Society in Columbia consists of thirteen volumes plus an index volume. This convention also issued in pamphlet form the various proposals, reports of committees, and other documents.

The practice of issuing the journal piecemeal by pamphlets with separate pagination was resorted to again for the convention of 1943-44. The collection of these by the State Historical Society comprises four volumes. Other pamphlets issued by the convention include proposals, reports, files, and an organization manual. The last named item was begun as a private service but later was sponsored by the convention itself. It comprised a collection of research papers, under the editorship of Martin L. Faust of the University of Missouri, designed to supply helpful material of a background and directional nature for the delegates. The convention ordered a stenographic transcript of debates to be made beginning the fiftieth day of the sessions. These transcripts, filling about 6500 typed sheets, have never been published but a microfilm copy is available in the files of the State Historical Society.

An early overall treatment of the government of Missouri under the Constitution of 1945 is Government, Politics, and Administration in Missouri, by Carl A. McCandless (St. Louis: Educational Publishers, Inc., 1949). It is the fullest treatment yet to appear.

Chapter 2

STATE CITIZENSHIP AND CIVIL RIGHTS

There is no need for a definition of state citizenship in the state Constitution, as this is already present in the 14th Amendment to the federal Constitution, the first sentence of which reads: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside". Every state requires, however, that a person reside in the state a definite length of time before being permitted to enjoy certain special rights of citizenship, like voting. The residence requirement varies over the nation from six months to two years; in Missouri it is one year.

As was just noted, voting is a special sort of right attached to citizenship--not one of the so-called "civil rights". Civil rights are a group of freedoms which apply ordinarily to all persons, whether citizens or travelers or aliens, who for any reason find themselves inside the boundaries of the state. How are these civil rights guaranteed, and what are some of them?

Attached to the federal Constitution is a bill of rights (the first ten amendments) which has been used as a model for many state bills of rights including that of Missouri. Strictly speaking a bill of rights, which declares that the people have certain rights that cannot be taken away by the government, may be technically unnecessary in a democracy. For, goes the argument, government can do only those things which the people through their constitution say it can do, and since the constitution does not give the government the power to interfere with free speech or religion, therefore it is not necessary to add a special clause which says that. It was mainly such reasoning which led the framers of the federal Constitution to decide against including a bill of rights in the original document of 1787.

This logic may be correct, but the United States and all the states have thought it wise to add the extra measure of assurance afforded by bills of rights in which are specifically listed certain actions forbidden to the government. In 1787 some states made it plain they would not ratify the proposed federal Constitution without the distinct understanding that a bill of rights would be added immediately. In the case of the states' own constitutions there is the special consideration that, since the states and the people by the terms of the federal 10th Amendment have retained all political power not granted to the federal government, an ambitious state legislature might attempt some unwise actions if it were not restricted by a definite statement of the people's rights.

The Missouri Bill of Rights is found in Article I of the Constitution, immediately following the Preamble. The rights there listed are of course not all the rights possessed by the people, for new ones may appear as conditions change. The list merely sets forth those rights of specially recognized prominence at the time.

The items in the Bill of Rights may be classified into two categories--general principles and particular civil rights.

GENERAL PRINCIPLES

1. All political power (i.e., government) comes from the people. (Secs. 1 and 3)
2. Government exists only for the good of the people. (Secs. 1-2)
3. All persons are created equal, and are entitled to equal rights and equal opportunity under the law. (Sec. 2)
4. Missouri is a free and independent state, subject only to the Constitution of the United States. (Sec. 4)
5. Military power should always be controlled by the regular civil (non-military) authorities. (Sec. 24)

PARTICULAR CIVIL RIGHTS

6. Freedom of religion. (Secs. 5-7)
7. Freedom of speech. (Sec. 8)
8. Freedom of assembly and petition. (Sec. 9)
9. No taking of life, liberty, or property without due process of law. (Sec. 10)
10. No taking of private property for public use without just compensation. (Sec. 26)
11. No taking of private property for private use, with certain exceptions. (Sec. 28)
12. No imprisonment for debt. (Sec. 11)
13. No law impairing the obligation of contracts. (Sec. 13)
14. No law granting irrevocable privileges. (Sec. 13)
15. Right to keep and bear arms. (Sec. 23)
16. All elections to be free and open. (Sec. 25)
17. Right of workers to organize into unions and bargain collectively. (Sec. 29)
18. Rights of criminal procedure:
 - (a) No suspension of the writ of habeas corpus. (Sec. 12)
 - (b) No ex post facto law. (Sec. 13)
 - (c) Courts to be open to everyone, and justice to be administered without bribery, denial, or delay. (Sec. 14)
 - (d) No unreasonable searches and seizures. (Sec. 15)
 - (e) Grand juries to consist of 12 persons, 9 of whom must concur to find an indictment. (Sec. 16)
 - (f) No trial without indictment or information. (Sec. 17)
 - (g) Speedy and public trial. (Sec. 18)
 - (h) Right of counsel for defense. (Sec. 18)
 - (i) Right of an accused person to hear the accusation made against him, and to have the court's help in getting witnesses in his favor. (Sec. 18)
 - (j) Impartial trial jury. (Sec. 18)
 - (k) No compulsory self-incrimination. (Sec. 19)
 - (l) No double jeopardy. (Sec. 19)
 - (m) No denial of bail except in capital offenses, and no excessive bail. (Sec. 20)
 - (n) No excessive fines, or cruel and unusual punishments. (Sec. 21)
 - (o) No disqualification from jury service because of sex. (Sec. 22)
 - (p) Specific definition of treason. (Sec. 30)
 - (q) No declaration of punishment by an administrative agency. (Sec. 31)

The only section in the Bill of Rights not referred to in the list is Sec. 27, which in reality does not guarantee an individual right but rather makes clear the right of the state, or any county or city, to exercise eminent domain.

Of course every civil right has its exceptions. No right can be enjoyed or practiced in such a manner as to unreasonably hurt or interfere with the rights of other people. These exceptions are too many to be listed, and new ones are occasionally brought out in court decisions. For instance freedom of speech does not permit a person to say things that will deliberately hurt another person's reputation, or to use obscene language, or to yell "Fire" in a crowded theater when there is no fire. Nor does freedom of assembly allow a threatening mob to gather in front of a jail. The right to life itself may not be claimed by a person who has been duly convicted of murder and sentenced to death.

Some of the rights listed are self-explanatory. Many refer to technical matters with which the average person may never come in contact unless he is charged with a crime and taken to court. A few may merit special comment here in the interest of clarity.

The clause which forbids the state to pass a law "impairing the obligation of contracts" (No. 13 on the list) is really meant to keep the way open for normal business dealings which involve the making of contracts. All contracts, however, are made with the understanding that they must conform with existing laws. It is even possible for a contract to be interfered with by a subsequent law if the law is a reasonable exercise of the state's "police power". This latter is the power of the legislature to pass laws for the public welfare, and is certainly superior to any contract made between individuals. For example, a contract between a manufacturer and a retailer committing the former to supply the latter with a certain quantity of alcoholic beverages over a three-year period could not be carried out if during that time the state passes a prohibition law. Franchises for the monopolistic operation of public utilities are likewise not considered as falling under the absolute protection of the contract clause.

The "due process" clause (No. 9 on the list) has an endless variety of applications in both civil and criminal cases and is being reinterpreted constantly by the courts. The federal Constitution has the same clause in the 5th and 14th Amendments, guaranteeing it against federal and state abuse, respectively. Stated in its simplest terms it means that before anyone's life or liberty or property is taken away from him he has the right to the benefit of every possible law or legal procedure that might help him. The word "due" means proper or reasonable. If a person can show that he was hurt unreasonably or arbitrarily, then he has been denied "due process of law", and the injury should be stopped or paid for.

Suppose many cedar trees in the state had "cedar apples", a sort of disease which spreads to nearby apple trees and ruins the crop. A state law requiring that such cedar trees be cut down and burned would probably be held constitutional if contested in the courts, on the ground that it was a reasonable measure for protecting the fruit trees. But if the state law ordered the felling of all cedar trees, then the owners of non-diseased cedar trees could probably claim that their property (cedar trees) was about to be taken unreasonably (without due process of law). A court decision or order might be necessary to prevent the cutting of the trees, but such an order could easily be procured in this case. The due process clause is one of the principal protections against abuse of the "police power" (see end of chapter 6).

A "writ of habeas corpus" is a helpful device in the event a person has been jailed without definite charges placed against him. In response to such a person's request for a writ of habeas corpus the court will send a written statement (writ) to the sheriff or jailer commanding him to bring the prisoner into court without delay and tell why he is being held. If the sheriff or jailer cannot give a sufficient reason, or is unwilling or unable to make a formal charge against him, then the person must be immediately released. In Missouri, twenty hours is considered the maximum time a person can be held without a stated cause; if held any longer than that, he may through his lawyer apply for a writ of habeas corpus.

An "ex post facto" law is a law which in a criminal matter would operate to the disadvantage of a person because of some circumstance existing prior to passage of the law. For instance, a law forbidding parking on one side of a street may be perfectly valid, but if the police were to arrest persons who before the law was passed had parked on that side of the street then the law would be ex post facto in their case. Ex post facto laws are prohibited both by the federal Constitution and by the Missouri Constitution; but they are forbidden only in criminal, not civil, cases, and furthermore only if the result would be to the disadvantage of the accused person. For example, a state law which reduces the punishment for murder from death to life imprisonment would normally be considered as working to the advantage of a person found guilty of murder. This change in punishment could legally be applied to him even though he had committed the murder before the new law was passed and was awaiting execution.

"No unreasonable searches and seizures" means that in general one's person, house, and belongings cannot be searched or taken without a written warrant. Warrants may be issued by the court or the magistrate only if there is a strong suspicion that a person is guilty, sup-

ported by actual evidence. Even then the warrant must describe in detail the person or thing to be searched or seized. There are exceptions, of course, as in the case of automobiles.

A "grand jury" is a group of citizens called together by the court to look into complaints of law violation. If the grand jury decides that the complaints are sufficiently substantiated, the suspected person or persons will be formally charged (indicted) and subsequently tried before a trial jury. In Missouri a grand jury consists of 12 persons; in other states the number may be as few as 7 or as many as 23. When a Missouri grand jury takes a vote on whether a suspect should be held for trial, 9 of the 12 must agree or there will be no trial. The grand jury is a somewhat clumsy way to get trials started, and it is not used a great deal. Formal charges are mostly made by the filing of what is called an "information", which is a formal paper deposited with a magistrate by a local officer, charging the accused person with a certain crime.

The right to "counsel for defense" means that every accused person may have the help of a qualified lawyer to defend him, even though he cannot afford to pay for it. When he receives such services free, the accused does not have the right to choose the lawyer. He may, however, object to the one chosen by the court if there are reasonable grounds for believing that the lawyer was prejudiced against him or would not give him good counsel.

The accused may demand that his trial be reasonably speedy, and that it be held in public so that his friends may be present to hear the accusations against him. Visitors at court trials, however, may not become noisy and unruly; if they do, the judge may order the courtroom cleared and the trial to proceed behind closed doors.

A trial jury is a group of 12 citizens brought into the court to hear the evidence on each side of the case and then to decide whether the accused person is innocent or guilty. All jurors are supposed to be impartial--to have neither a direct interest in the outcome of the trial, nor spite against or favoritism toward the accused person. The accused is allowed a number of "peremptory challenges" for excluding certain jurors without citing a cause. If he wants others removed he must be able to show that they were once prejudiced against him, or are likely now to be prejudiced against him. He may even object to a whole jury, if it appears that certain people or classes of people were deliberately kept off of it to hurt his chances of being acquitted.

The guarantee against "compulsory self-incrimination" was put into the Bill of Rights as a safeguard against forcing a person to confess a crime. If a man were to be beaten until he signed a written confession of guilt, such would be a flagrant case of compulsory self-incrimination. Any conviction based on such evidence is invalid, though of course the accused would have to prove that the confession was forced. The right against compulsory self-incrimination also means that the accused need not take the witness stand to answer the questions of the prosecuting attorney unless he wishes to, or unless he has already taken the stand in his own behalf. Also, a person who is not himself on trial but is serving as a witness in the trial of another person, may refuse to answer certain questions on the ground of possible self-incrimination in another matter.

By provision against "double jeopardy" a person is safeguarded from being tried twice for the same offense. A single act, however, may constitute an offense against both state and federal law, in which case the two offenses, being against different sovereignties, may result in two trials, two convictions, and two punishments.

The right to "keep and bear arms" is no longer of great importance. Almost every community has sufficient police protection to relieve the inhabitants of the necessity of carrying weapons for their own protection. The privilege still exists, however, since it is contained in the Bill of Rights. Yet it does not permit the carrying of concealed weapons, or the carrying of any weapon (even a stick) in such a manner as to create the presumption of danger or violence.

The treason clause is considered a "right" in the sense that a person knows ahead of time just what an act of treason would be, and that he will not be charged with treason if he merely criticizes the government or one of its officials. The definition, copied from the same guarantee in the federal Constitution, reads: "treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort". Cases of treason against a state are quite rare.

There may be, and probably are, many other rights in addition to those written down in the Constitution. As was said earlier, it might not be strictly necessary to set them forth in detail, since the government never had the power to take these rights from us in the first place. But the people feel an extra measure of safety in having a list to fall back upon, and frequently court decisions do mention various of the specific rights. Hence they may be said to serve their purpose.

In 1957 the legislature passed a Human Rights Act providing for the establishment of an eleven-member commission, appointed by the Governor, to promote equal treatment and prevent racial discrimination. No funds were appropriated for it at the regular legislative session ending in May, however, and the commission's powers were quite limited. It was to go out of existence in 1961. Governor Blair on signing the law called it "a very small first step." In 1959 the General Assembly made the commission permanent and enlarged somewhat its powers.

A fair employment practices law was passed in 1961, barring racial or religious discrimination in the hiring practices of firms with 50 or more employees. To aid in enforcement, the Human Rights Commission was empowered to investigate complaints, hold hearings, and subpoena witnesses.

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Chapter 3

POLITICAL PARTIES AND PRESSURE GROUPS

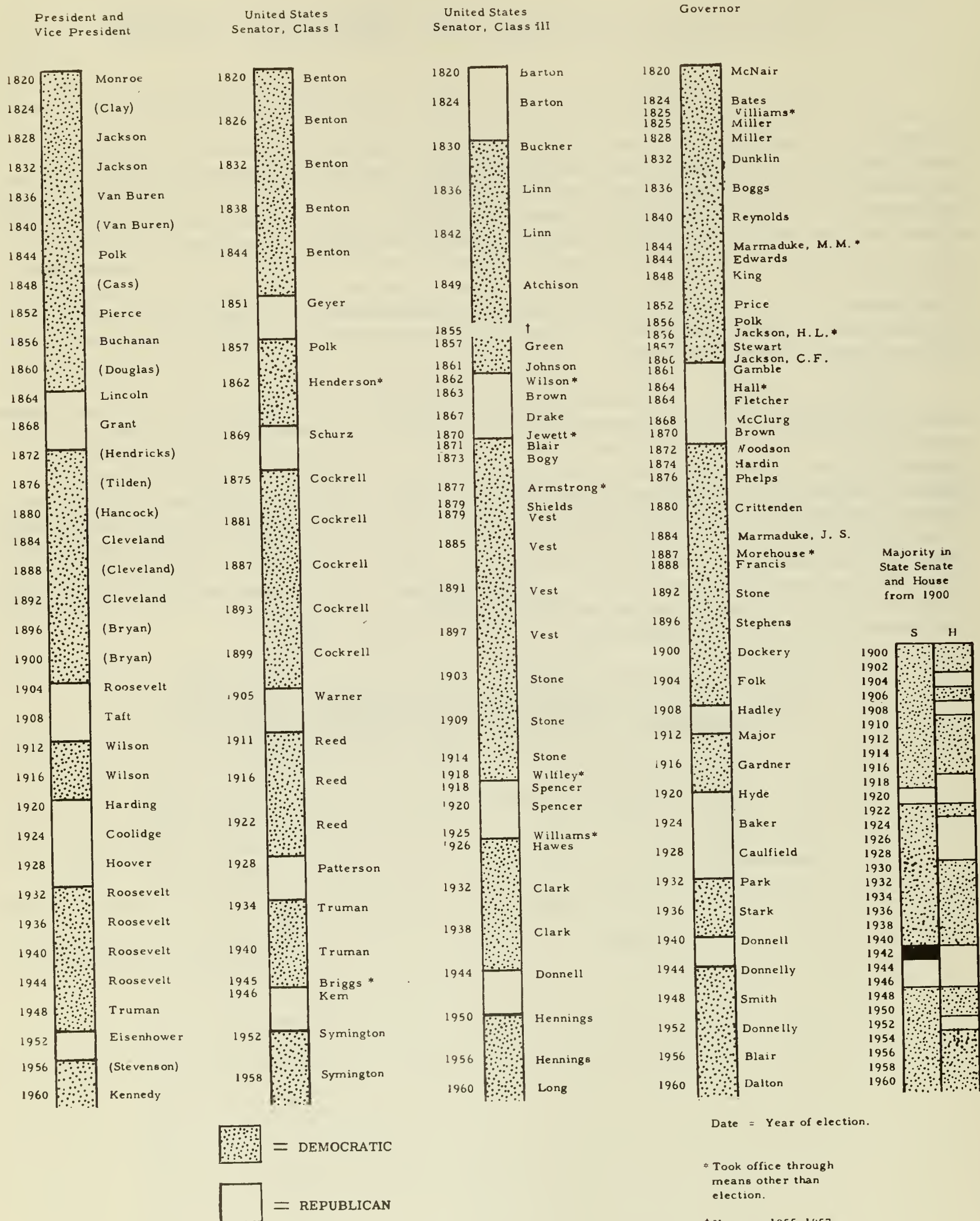
The programs of political parties on the state level are not as well defined and coherent as they are on the national level. One reason may be that problems of state government frequently have "local angles" to such a degree as to make difficult a consistent and dependable party lineup among the legislators. Bearing this out, state party platforms are usually more generalized than national platforms; and candidates for office, while clearly proclaiming a general allegiance to the Democratic or Republican parties, know that after they are elected their official policies and actions will be determined much less by party discipline than by local or other considerations. It might be argued that greater party discipline in state government would be desirable, since it would make for a more effective responsibility of the legislature to the people as well as for a more consistent legislative product. How to achieve such party discipline once the elections are over, however, is a question to which few states have been able to provide an effective answer.

MAJOR PARTIES. As far as elections and general public feeling are concerned, Missouri is definitely a strong two-party state. Each party has a powerful set of leaders and a strong organization calculated to run a good campaign. Though generally leaning more in a Democratic than a Republican direction, Missouri is still one of the "doubtful" states of the nation--it might swing either way in an important general election. The frequency with which this has happened in elections for four top officials and for the state legislature is shown in the accompanying bar chart. From 1904 to 1960 Missouri reflected national shiftings quite accurately, having voted for the successful presidential candidate every time except in 1956. Bearing out the Democratic leaning, however, in those fifteen elections the Democratic percentage in Missouri exceeded that of the nation as a whole thirteen times, while the Republican percentage topped its national counterpart only six times (see table, p. 28).

**PARTY VOTE IN MISSOURI FOR PRESIDENT, 1904 - 1960,
COMPARED WITH NATIONAL PERCENTAGES**

| | Democratic Party | | | Republican Party | | | Minor Parties | | |
|------|------------------|----------|-----------|------------------|----------|-----------|---------------|----------|-----------|
| | Popular | Mo. % | Nat. % | Popular | Mo. % | Nat. % | Popular | Mo. % | Nat. % |
| 1904 | 296,321 | 46.0 | 37.6 | 321,449 | 49.9 | 56.4 | 26,000 | 4.1 | 6.0 |
| 1908 | 346,754 | 48.5 | 43.0 | 347,203 | 48.6 | 51.8 | 21,515 | 3.0 | 5.2 |
| 1912 | 330,746 | 47.3 | 41.9 | 207,821 | 29.7 | 23.2 | 159,995 | 23.0 | 34.9 |
| 1916 | 398,032 | 50.6 | 49.3 | 369,339 | 46.9 | 46.1 | 19,398 | 2.5 | 4.6 |
| 1920 | 574,799 | 43.1 | 34.2 | 727,162 | 54.6 | 60.4 | 30,839 | 2.3 | 5.4 |
| 1924 | 572,753 | 43.8 | 28.8 | 648,486 | 49.6 | 54.1 | 86,719 | 6.6 | 17.1 |
| 1928 | 662,562 | 44.1 | 40.8 | 843,080 | 55.6 | 58.2 | 4,079 | 0.3 | 1.0 |
| 1932 | 1,025,406 | 63.7 | 57.4 | 564,713 | 35.1 | 39.7 | 19,775 | 1.2 | 2.9 |
| 1936 | 1,111,043 | 60.8 | 60.1 | 697,891 | 38.2 | 36.5 | 19,701 | 1.0 | 3.4 |
| 1940 | 958,476 | 52.3 | 54.7 | 871,009 | 47.5 | 44.8 | 4,244 | 0.2 | 0.3 |
| 1944 | 807,804 | 51.4 | 53.3 | 761,524 | 48.4 | 45.8 | 3,146 | 0.2 | 0.9 |
| 1948 | 917,315 | 58.1 | 49.5 | 655,039 | 41.5 | 45.1 | 6,220 | 0.4 | 5.4 |
| 1952 | 929,830 | 49.1 | 44.4 | 959,429 | 50.8 | 55.1 | 2,803 | 0.1 | 0.5 |
| 1956 | 918,273 | 50.1 | 42.0 | 914,299 | 49.9 | 57.3 | --- | ---- | 0.7 |
| 1960 | 972,201 | 50.3 | 49.7 | 962,221 | 49.7 | 49.6 | --- | --- | 0.7 |

PARTY SHIFTS IN MISSOURI, 1820 - 1960



Majority in State Senate and House from 1900



While Missouri as a whole may be termed a doubtful state, the situation in many of the individual counties is far from doubtful. Democrats are consistently dominant in the City of St. Louis, the counties around Kansas City, the "Little Dixie" counties in northeast Missouri, the counties in the eastern Ozarks, and the counties in the southeast lowlands. Fairly dependable Republican control is found in the western Ozarks, in a string of counties in northwest Missouri, and in some counties west, southwest, and south of St. Louis.

Three separate approaches are needed for a realistic appraisal of the party complexion in individual Missouri counties. (1) One is to determine the surface success of each party in carrying the county, regardless of size of margin, for the various offices--national, state, and local. (2) Another approach is to determine approximately the actual numerical strength of each party in the various counties--the geographic distribution of party votes. (3) Finally, it is helpful to discover the strength in depth of each party--its percentage of the total vote cast in the county. The series of tables and maps here presented are based on these three approaches, in the order stated.

The first table and its illustrative maps indicate the degree of success of each party in carrying the various counties for the various levels of public office in regular November elections over the period 1934-1960. The first map, a composite of the next three, shows the hard core of party success to lie in the counties marked D1 and R1 respectively. In this group there are 35 counties and the City of St. Louis where the Democrats consistently turn up a majority in practically all the elections for national, state, and county offices, and 28 counties which as consistently and thoroughly go Republican. In addition, as designated by D2 and R2, there are 18 Democratic counties and 23 Republican counties which generally go one way for most of the offices but not as thoroughly as do the D1 and R1 counties. The remaining eleven counties, indicated by X, are generally divided, with neither party consistently winning most of the offices. These eleven--Atchison, Barton, Bates, Johnson, Livingston, McDonald, Madison, Osage, St. Francois, Ste. Genevieve, Sullivan--are probably the only counties at the present time that cannot be called "normally" Democratic or Republican.

Furthermore, most counties show a remarkable consistency in voting pattern as among the three levels of offices--national, state, and county. In only three counties of the state was there an opposite party dominance evident among these three levels, taking the period as a whole. Johnson and McDonald counties, while Republican on national and state elections, went Democratic for the county offices; Ste. Genevieve went Democratic for national offices, leaned Republican for county offices, and was fairly evenly divided for state offices. None of the other 111 counties or the City of St. Louis showed a split in party dominance among the three levels.

It also may be noted that, of the three levels, the county level is generally the weakest ground for the dominant party. That is, in most counties the dominant party over the years carried the county for a smaller percentage of the county offices than it did for the national or state offices. In 63 counties of the state this relative weakness in county elections was evidenced, while only nine counties (Cass, Clay, Clinton, Henry, Madison, Osage, Reynolds, St. Charles, Vernon) gave some indication of greater party strength in county elections than in national or state elections.

As between the state and national levels, both of which far surpass the county level in the strength shown by the dominant party, the state level is if anything the stronger. In 65 counties over the years the dominant party carried the county for a larger percentage of the state offices than it did for the other level offices; state elections showed a relative weakness in only seven counties (Barton, Jackson, Madison, Maries, Ripley, Vernon, St. Louis City). In 40 counties the dominant party carried the county for a larger percentage of the national offices than it did for other level offices; national elections were weaker in 29 counties.

PARTY SUCCESS IN MISSOURI COUNTIES, 1934 - 1960

Based on number of elections in which the party carried the county,
for three sets of elections--national, state, and county

After the name of each county are four symbols. The first represents the county's general voting behavior in national, state, and county elections considered as a whole. The second symbol indicates the county's voting record for national offices (President, U.S. Senator, Representative in Congress). The third symbol indicates the county's voting habits for state offices (Governor, Lieutenant Governor, Auditor, Secretary of State, State Treasurer, Attorney General, Superintendent of Schools prior to 1946, members of legislature). The last symbol indicates the county's voting pattern for county offices (excluding circuit judges and county superintendents of schools). Maps on subsequent pages show geographical distribution.

Classifications are based on general election returns as reported in the Official Manual of the State of Missouri prior to 1956, and in the Roster of State, District, and County Officers from 1956 on.

Key to symbols (D = Democratic; R = Republican):

D1 or R1 = Solid one-party county (one party carried the county for all contested offices during the period).

D1 or R1 = Strong one-party county (one party carried the county for 90-99% of the contested offices).

D2 or R2 = Comfortable one-party dominance in county (one party carried the county for 60-89% of the contested offices).

XD or XR = Divided county, one party having a little predominance (one party carried the county for 55-59% of the contested offices)

X = Divided county, no party having a significant predominance (parties split the contested offices by closer division than 55% to 45%).

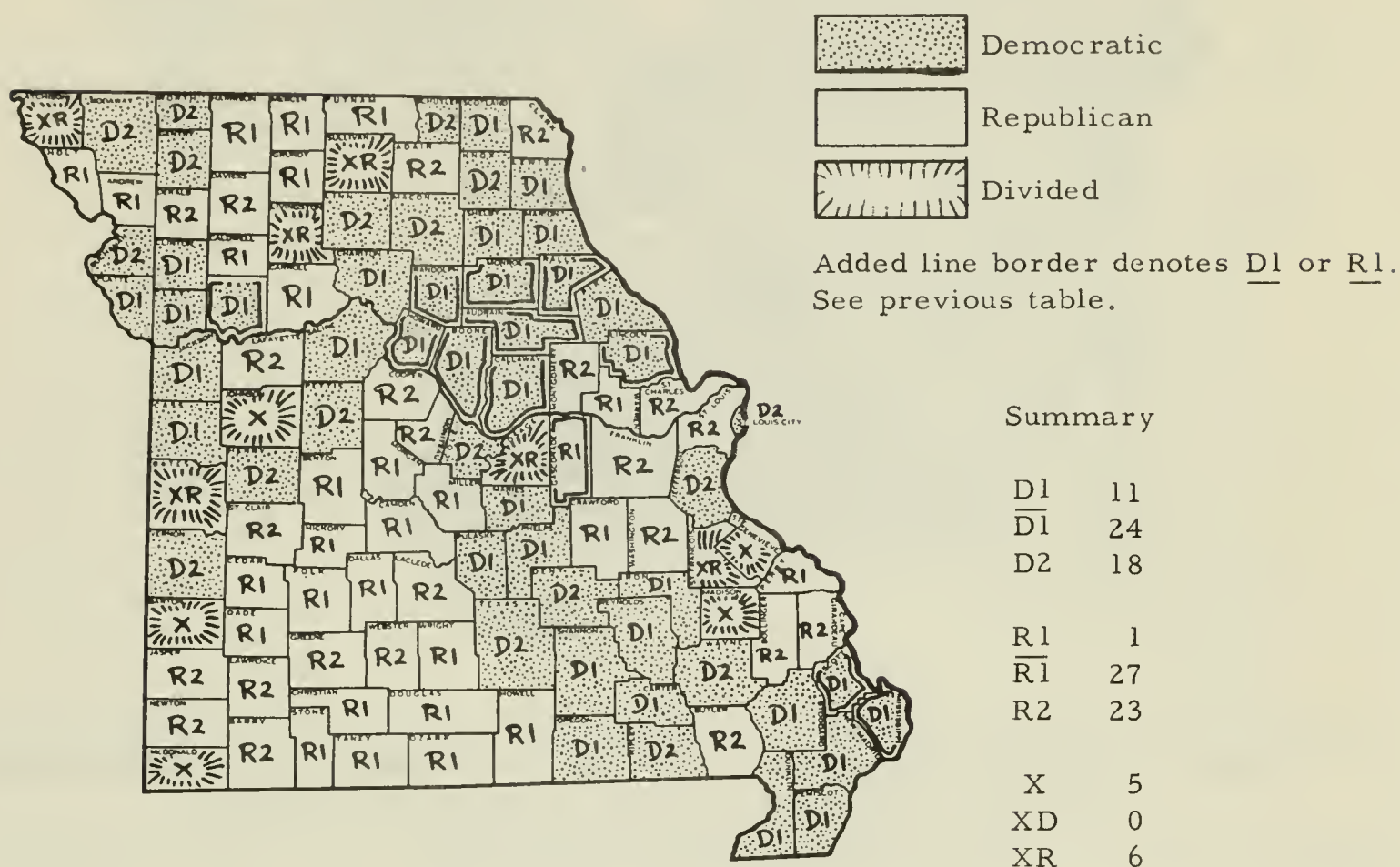
| | Composite | National | State | County |
|----------------|-----------|-----------|-----------|-----------|
| Adair | R2 | R2 | R2 | R2 |
| Andrew | R1 | R1 | R1 | R1 |
| Atchison | XR | R2 | R2 | X |
| Audrain | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Barry | R2 | R2 | R1 | R2 |
| Barton | X | R2 | X | X |
| Bates | XR | R2 | R2 | X |
| Benton | R1 | R1 | R1 | R1 |
| Bollinger | R2 | <u>R2</u> | <u>R1</u> | X |
| Boone | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Buchanan | <u>D2</u> | <u>D2</u> | <u>D1</u> | <u>D2</u> |
| Butler | R2 | R2 | R2 | R2 |
| Caldwell | R1 | R1 | R1 | R1 |
| Callaway | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Camden | R1 | R1 | <u>R1</u> | R1 |
| Cape Girardeau | R2 | R2 | R2 | R2 |
| Carroll | R1 | R1 | R1 | R1 |
| Carter | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Cass | <u>D1</u> | D2 | <u>D1</u> | <u>D1</u> |
| Cedar | R1 | R1 | R1 | R1 |
| Chariton | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Christian | R1 | R1 | <u>R1</u> | R1 |
| Clark | R2 | R2 | R2 | R2 |
| Clay | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Clinton | <u>D1</u> | <u>D2</u> | <u>D1</u> | <u>D1</u> |
| Cole | D2 | D2 | <u>D1</u> | <u>D2</u> |
| Cooper | R2 | R1 | R1 | R2 |
| Crawford | R1 | R1 | R1 | R1 |
| Dade | R1 | R1 | R1 | R1 |
| Dallas | R1 | <u>R1</u> | <u>R1</u> | R1 |
| Daviess | R2 | R2 | R2 | R2 |
| DeKalb | R2 | R1 | R1 | R2 |
| Dent | D2 | <u>D1</u> | <u>D1</u> | D2 |
| Douglas | R1 | R1 | R1 | R1 |
| Dunklin | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Franklin | R2 | R2 | R2 | R2 |
| Gasconade | R1 | R1 | R1 | R1 |
| Gentry | <u>D2</u> | <u>D2</u> | <u>D2</u> | <u>D2</u> |
| Greene | R2 | R2 | R2 | R2 |
| Grundy | R1 | <u>R1</u> | R1 | R2 |
| Harrison | R1 | <u>R1</u> | <u>R1</u> | R1 |
| Henry | D2 | <u>XD</u> | <u>D2</u> | D2 |
| Hickory | R1 | R1 | R1 | R1 |
| Holt | R1 | <u>R1</u> | <u>R1</u> | R2 |
| Howard | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Howell | <u>R1</u> | <u>R1</u> | <u>R1</u> | <u>R2</u> |
| Iron | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |

| | Composite | National | State | County |
|-------------|-----------|-----------|-----------|-----------|
| Jackson | <u>D1</u> | <u>D1</u> | D2 | <u>D1</u> |
| Jasper | R2 | <u>R2</u> | R2 | R2 |
| Jefferson | D2 | <u>D1</u> | <u>D1</u> | D2 |
| Johnson | X | R2 | XR | D2 |
| Knox | D2 | D2 | <u>D1</u> | D2 |
| Laclede | R2 | R1 | R1 | R2 |
| Lafayette | R2 | R2 | R1 | R2 |
| Lawrence | R2 | R2 | R1 | R2 |
| Lewis | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Lincoln | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Linn | <u>D2</u> | <u>D1</u> | <u>D1</u> | <u>D2</u> |
| Livingston | XR | R2 | R2 | XR |
| McDonald | X | R2 | R2 | D2 |
| Macon | D2 | D2 | D2 | D2 |
| Madison | X | XD | X | XD |
| Maries | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Marion | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Mercer | R1 | R1 | <u>R1</u> | R1 |
| Miller | R1 | <u>R1</u> | <u>R1</u> | R1 |
| Mississippi | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Moniteau | <u>R2</u> | <u>R2</u> | <u>R2</u> | <u>R2</u> |
| Monroe | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Montgomery | R2 | R2 | R2 | R2 |
| Morgan | R1 | <u>R1</u> | <u>R1</u> | R2 |
| New Madrid | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Newton | R2 | <u>R2</u> | R2 | R2 |
| Nodaway | D2 | X | D2 | XD |
| Oregon | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Osage | XR | <u>X</u> | <u>XR</u> | XR |
| Ozark | R1 | <u>R1</u> | <u>R1</u> | R1 |
| Pemiscott | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Perry | R1 | <u>R1</u> | <u>R1</u> | R2 |
| Pettis | D2 | X | <u>D2</u> | XD |
| Phelps | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Pike | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Platte | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Polk | R1 | <u>R1</u> | <u>R1</u> | R2 |
| Pulaski | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Putnam | R1 | R1 | <u>R1</u> | R1 |
| Ralls | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Randolph | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Ray | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Reynolds | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Ripley | D2 | <u>D1</u> | <u>D2</u> | <u>D2</u> |
| St. Charles | R2 | X | R2 | R2 |
| St. Clair | R2 | R2 | R2 | R2 |

| | Composite | National | State | County |
|----------------|-----------|-----------|-----------|-----------|
| St. Francois | XR | R2 | R2 | XR |
| Ste. Genevieve | X | D2 | X | XR |
| St. Louis | R2 | R2 | R2 | R2 |
| Saline | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Schuyler | D2 | <u>D1</u> | <u>D1</u> | D2 |
| Scotland | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Scott | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Shannon | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Shelby | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Stoddard | <u>D1</u> | <u>D1</u> | <u>D1</u> | <u>D1</u> |
| Stone | R1 | <u>R1</u> | <u>R1</u> | R1 |
| Sullivan | XR | <u>R2</u> | <u>R2</u> | X |
| Taney | R1 | R1 | R1 | R1 |
| Texas | D2 | <u>D2</u> | <u>D2</u> | D2 |
| Vernon | D2 | D2 | D2 | <u>D1</u> |
| Warren | R1 | <u>R1</u> | <u>R1</u> | R1 |
| Washington | R2 | <u>R2</u> | <u>R2</u> | R2 |
| Wayne | D2 | D2 | <u>D1</u> | D2 |
| Webster | R2 | R1 | R1 | R2 |
| Worth | D2 | D2 | D2 | D2 |
| Wright | R1 | R1 | <u>R1</u> | R1 |
| St. Louis City | D2 | <u>D1</u> | D2 | D2 |

| TABULAR SUMMARY OF COUNTIES IN EACH OFFICE GROUP | | | | |
|---|-----------|----------|-------|--------|
| | Composite | National | State | County |
| Democratic | | | | |
| <u>D1</u> | 11 | 19 | 29 | 14 |
| <u>D1</u> | 24 | 20 | 13 | 22 |
| D2 | 18 | 12 | 11 | 17 |
| Republican | | | | |
| <u>R1</u> | 1 | 17 | 23 | 1 |
| <u>R1</u> | 27 | 15 | 13 | 21 |
| R2 | 23 | 26 | 21 | 28 |
| Divided | | | | |
| X | 5 | 4 | 3 | 5 |
| XD | 0 | 2 | 0 | 3 |
| XR | 6 | 0 | 2 | 4 |

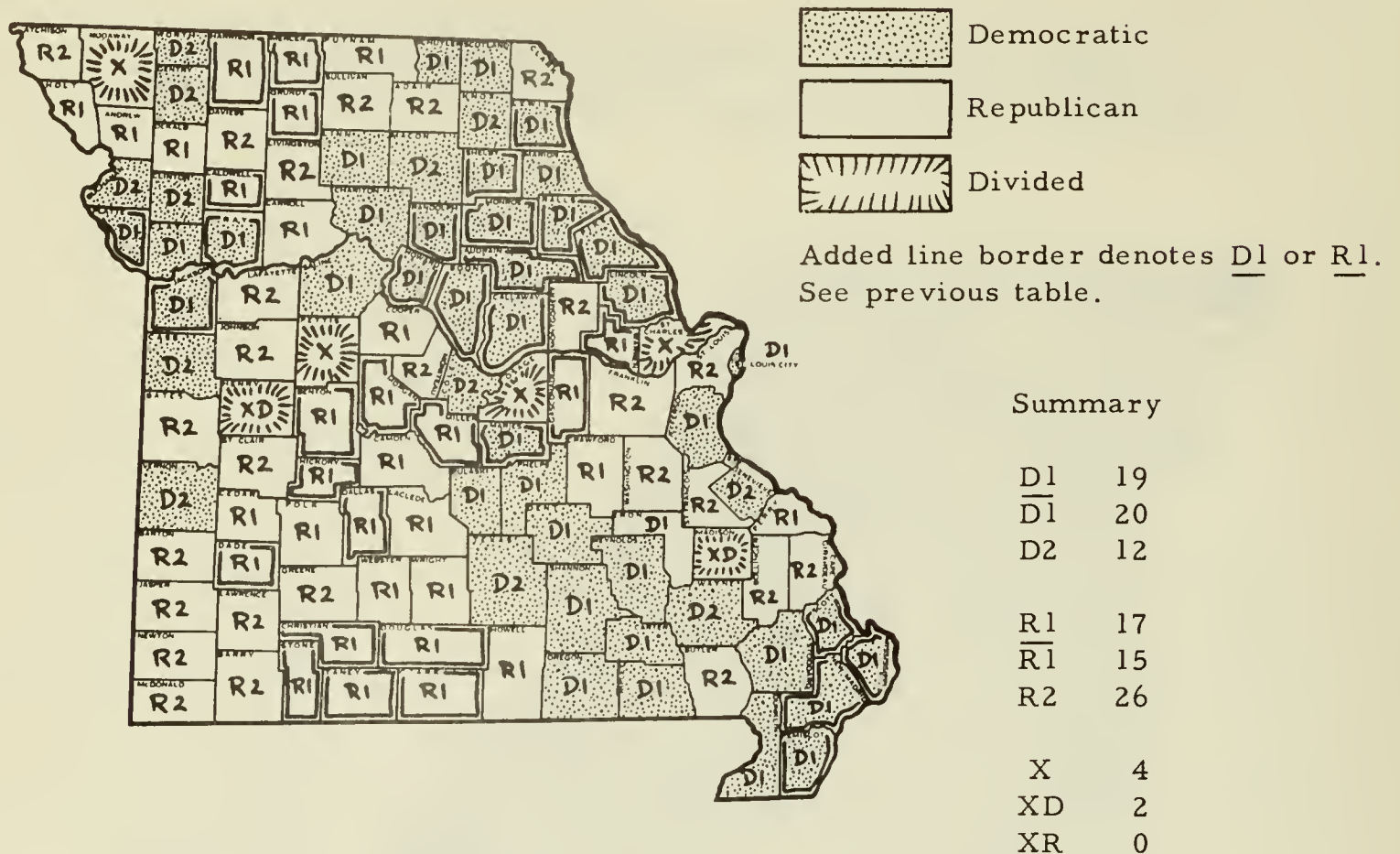
PARTY SUCCESS IN MISSOURI COUNTIES, 1934 - 1960:
COMPOSITE FOR NATIONAL, STATE, AND COUNTY ELECTIONS



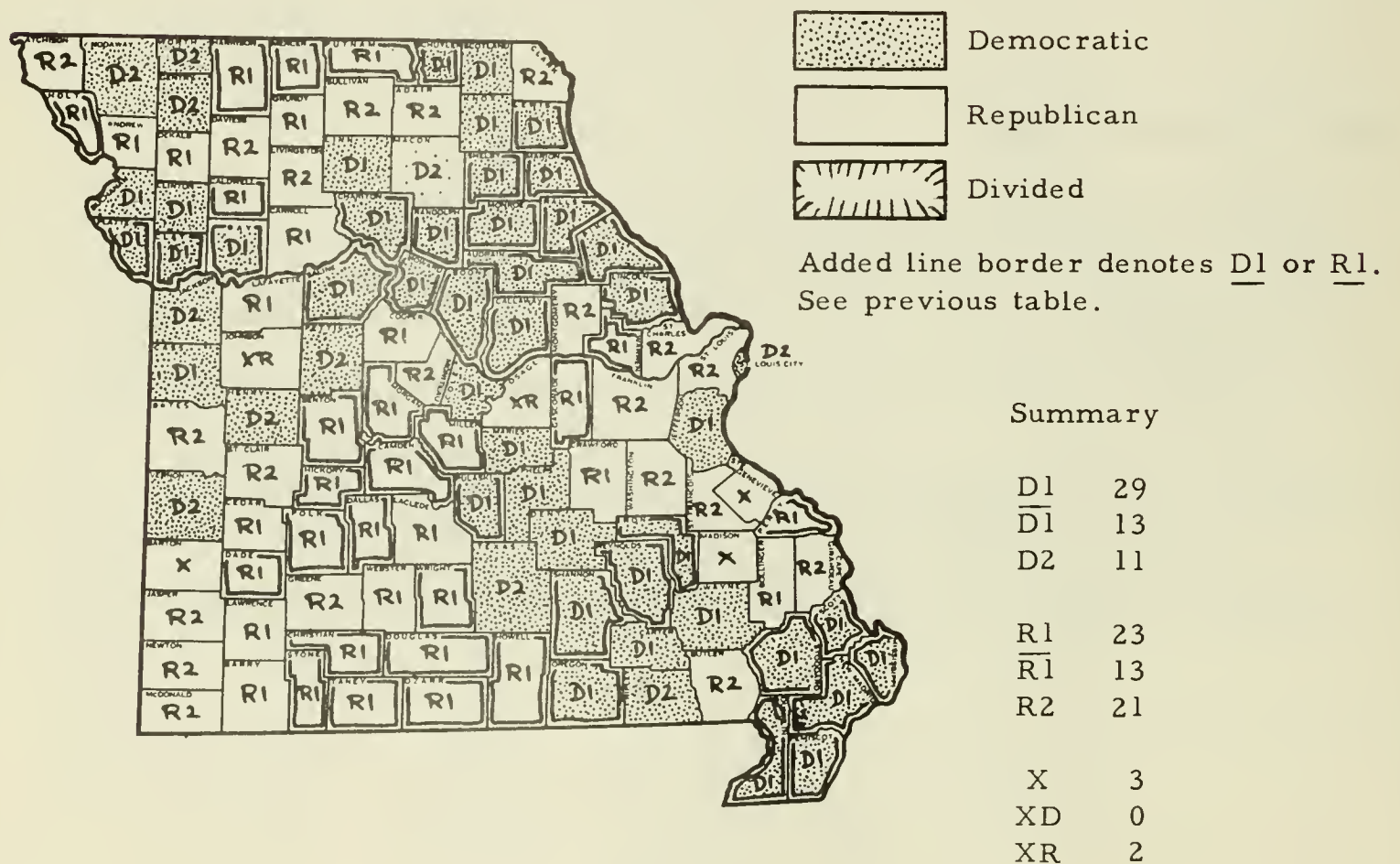
* Notes on certain counties:

- Atchison: A tossup in county elections, but generally Republican in others.
 Barton: Generally Republican in national elections, but a tossup in others.
 Bates: A tossup in county elections, but generally Republican in others.
 Johnson: Generally Democratic in county elections, but inclining Republican in others.
 McDonald: Generally Democratic in county elections, and generally Republican in others.
 Madison: A tossup in state elections, but leaning Democratic in others.
 Osage: A tossup in national elections, but tending Republican in others.
 Ste. Genevieve: A tossup in state elections, generally Democratic in national elections, and leaning Republican in county elections.
 Sullivan: A tossup in county elections, but generally Republican in others.

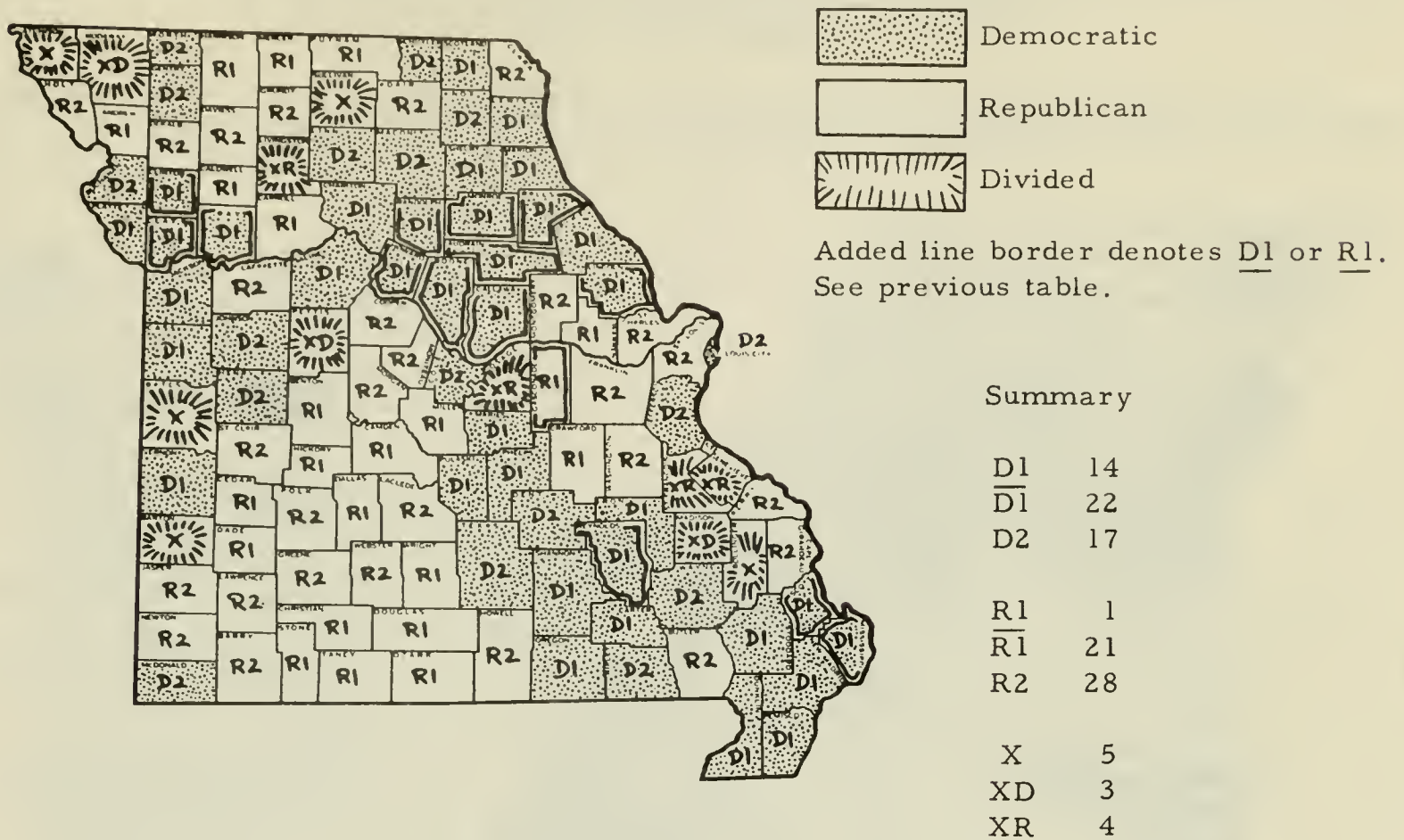
PARTY SUCCESS IN MISSOURI COUNTIES, 1934 - 1960: NATIONAL ELECTIONS
(President, U.S. Senator, Representative in Congress)



PARTY SUCCESS IN MISSOURI COUNTIES, 1934 - 1960: STATE ELECTIONS
(Governor, Lieutenant Governor, other executive officials,
members of the Legislature)



PARTY SUCCESS IN MISSOURI COUNTIES, 1934 - 1960: COUNTY ELECTIONS
(Excluding county superintendents of schools and circuit judges)



The counties which, over the period, showed the same total party success on all three levels were 37 in number, as follows:

Solidly Democratic for all elections studied (D1): Audrain, Boone, Callaway, Howard, Lincoln, Mississippi, Monroe, Ralls, Randolph, Ray, Scott.

Solidly Republican for all elections studied (R1): Gasconade.

Strongly Democratic (D1): Carter, Phelps, Scotland.

Strongly Republican (R1): Andrew, Carroll, Cedar, Crawford.

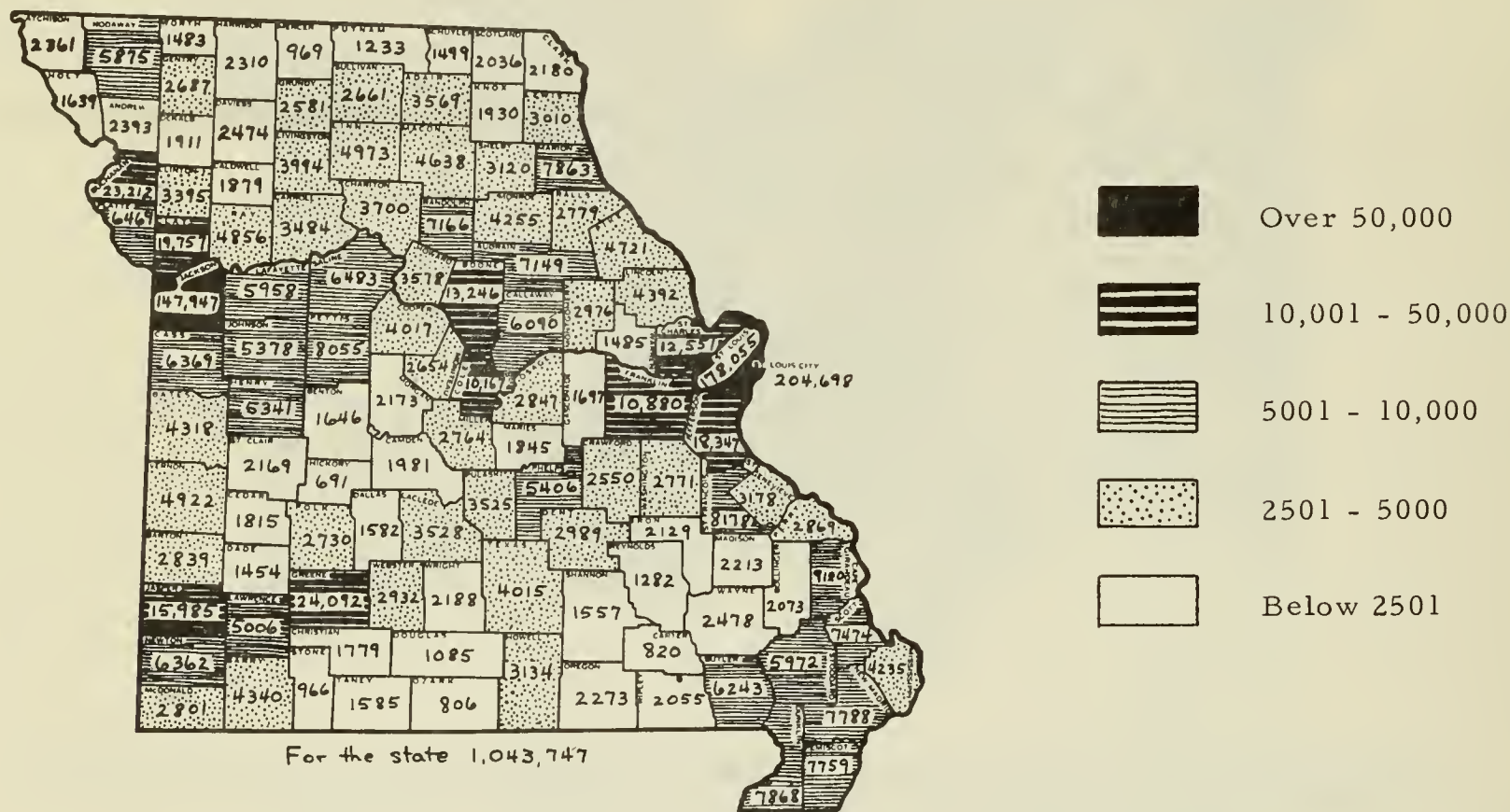
Generally Democratic (D2): Gentry, Greene, Macon, Texas, Worth.

Generally Republican (R2): Adair, Butler, Cape Girardeau, Clark, Daviess, Franklin, Jasper, Moniteau, Montgomery, Newton, St. Clair, St. Louis (County), Washington.

In the next two maps and tables it may be seen where the Democratic and Republican votes actually were in the 1960 elections. The two metropolitan areas of course supply the largest concentrations of voters for each party. But Democratic numerical strength is so superior in these two areas that the Republicans are forced to work much harder for outstate votes in the attempt to counterbalance the loss in the cities. The Democrats got 53% of their total 1960 Missouri vote (based on the average of seven statewide races) from the two metropolitan areas (St. Louis City, St. Louis County, Jackson County, Clay County), while these areas gave the Republicans only 42% of their total state vote in the same elections. Rather significantly, in 1960 Democrats and Republicans in Missouri were about equal in numbers outside of the two metropolitan areas mentioned.

WHERE THE DEMOCRATIC VOTES WERE, COUNTY BY COUNTY, IN AVERAGE OF SEVEN STATEWIDE RACES, 8 NOVEMBER 1960

NOTE: The tabulation for each county is an average of the Democratic votes cast there in all seven statewide races--President, United States Senator, Governor, Lieutenant Governor, Secretary of State, State Treasurer, and Attorney General. This procedure, which tends to deflate non-party factors, should give a fairly realistic indication of Democratic numerical strength in each county in 1960.

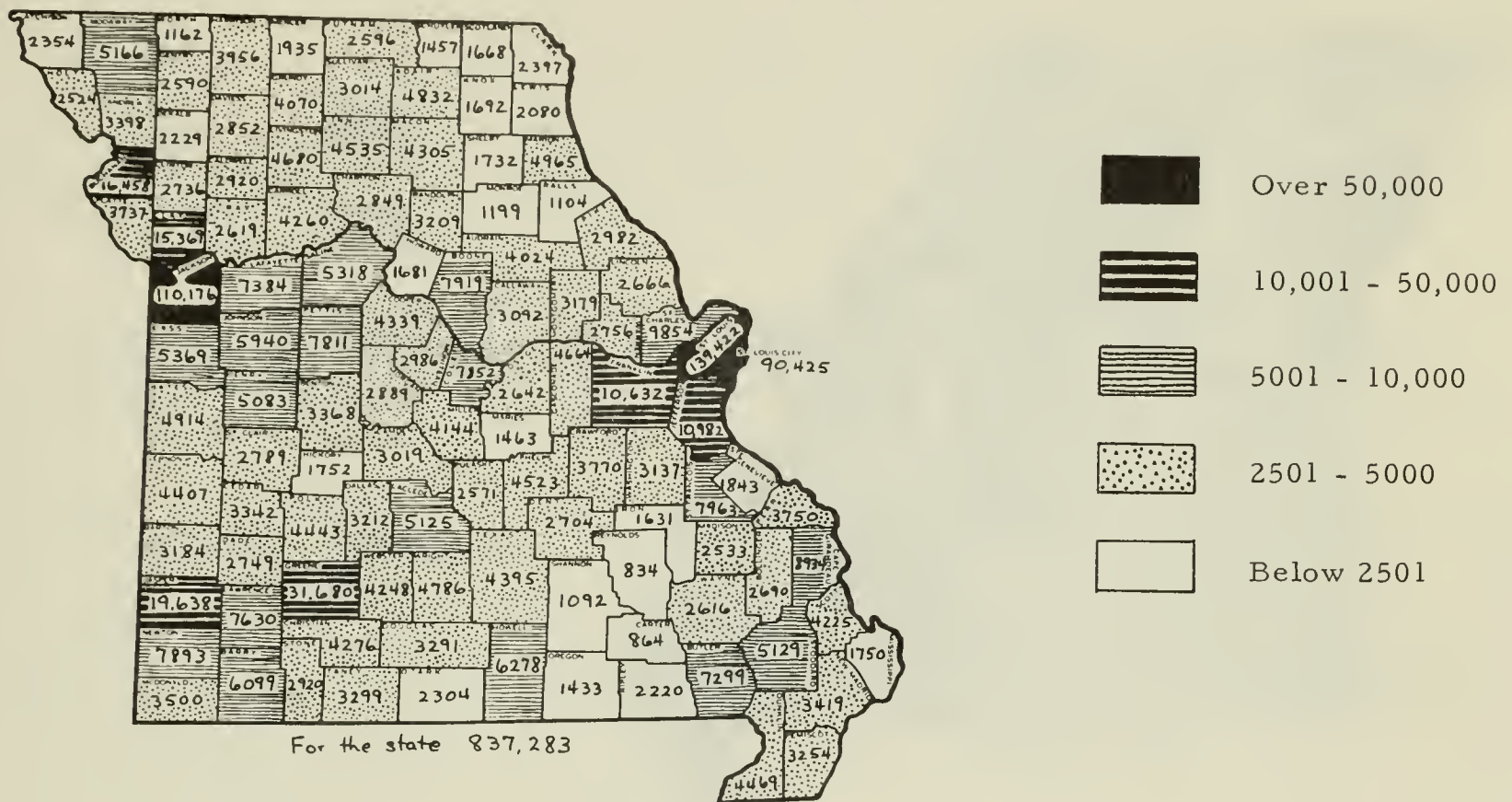


| | | | | | |
|-------------------------------|---------|------------------------------|-------|-------------------------|-------|
| 1. St. Louis City | 204,698 | 40. Macon | 4,638 | 79. Atchison | 2,361 |
| 2. St. Louis County | 178,055 | 41. Lincoln | 4,392 | 80. Harrison | 2,310 |
| 3. Jackson | 147,947 | 42. Barry | 4,340 | 81. Oregon | 2,273 |
| 4. Greene | 24,092 | 43. Bates | 4,318 | 82. Madison | 2,213 |
| 5. Buchanan | 23,212 | 44. Monroe | 4,255 | 83. Wright | 2,188 |
| 6. Clay | 19,757 | 45. Mississippi | 4,235 | 84. Clark | 2,180 |
| 7. Jefferson | 18,347 | 46. Cooper | 4,017 | 85. Morgan | 2,173 |
| 8. Jasper | 15,985 | 47. Texas | 4,015 | 86. St. Clair | 2,169 |
| 9. Boone | 13,246 | 48. Livingston | 3,994 | 87. Iron | 2,129 |
| 10. St. Charles | 12,551 | 49. Chariton | 3,700 | 88. Bollinger | 2,073 |
| 11. Franklin | 10,880 | 50. Howard | 3,578 | 89. Ripley | 2,055 |
| 12. Cole | 10,167 | 51. Adair | 3,569 | 90. Scotland | 2,036 |
| 13. Cape Girardeau | 9,120 | 52. Laclede | 3,528 | 91. Camden | 1,981 |
| 14. St. Francois | 8,178 | 53. Pulaski | 3,525 | 92. Knox | 1,930 |
| 15. Pettis | 8,055 | 54. Carroll | 3,484 | 93. DeKalb | 1,911 |
| 16. Dunklin | 7,868 | 55. Clinton | 3,395 | 94. Caldwell | 1,879 |
| 17. Marion | 7,863 | 56. Ste. Genevieve | 3,178 | 95. Maries | 1,845 |
| 18. New Madrid | 7,788 | 57. Howell | 3,134 | 96. Cedar | 1,815 |
| 19. Pemiscot | 7,759 | 58. Shelby | 3,120 | 97. Christian | 1,779 |
| 20. Scott | 7,474 | 59. Lewis | 3,010 | 98. Gasconade | 1,697 |
| 21. Randolph | 7,166 | 60. Dent | 2,989 | 99. Benton | 1,646 |
| 22. Audrain | 7,149 | 61. Montgomery | 2,976 | 100. Holt | 1,639 |
| 23. Saline | 6,483 | 62. Webster | 2,932 | 101. Tancy | 1,585 |
| 24. Platte | 6,469 | 63. Perry | 2,869 | 102. Dallas | 1,582 |
| 25. Cass | 6,369 | 64. Osage | 2,847 | 103. Shannon | 1,557 |
| 26. Newton | 6,362 | 65. Barton | 2,839 | 104. Schuyler | 1,499 |
| 27. Butler | 6,243 | 66. McDonald | 2,801 | 105. Warren | 1,485 |
| 28. Callaway | 6,090 | 67. Ralls | 2,779 | 106. Worth | 1,483 |
| 29. Stoddard | 5,972 | 68. Washington | 2,771 | 107. Dade | 1,454 |
| 30. Lafayette | 5,958 | 69. Miller | 2,764 | 108. Reynolds | 1,282 |
| 31. Nodaway | 5,875 | 70. Polk | 2,730 | 109. Putnam | 1,233 |
| 32. Phelps | 5,406 | 71. Gentry | 2,687 | 110. Douglas | 1,085 |
| 33. Johnson | 5,378 | 72. Sullivan | 2,661 | 111. Mercer | 969 |
| 34. Henry | 5,341 | 73. Moniteau | 2,654 | 112. Stone | 966 |
| 35. Lawrence | 5,006 | 74. Grundy | 2,581 | 113. Carter | 820 |
| 36. Linn | 4,973 | 75. Crawford | 2,550 | 114. Ozark | 806 |
| 37. Vernon | 4,922 | 76. Wayne | 2,478 | 115. Hickory | 691 |
| 38. Ray | 4,856 | 77. Daviess | 2,474 | | |
| 39. Pike | 4,721 | 78. Andrew | 2,393 | | |

FOR THE STATE 1,043,747

WHERE THE REPUBLICAN VOTES WERE, COUNTY BY COUNTY, IN AVERAGE OF SEVEN STATEWIDE RACES, 8 NOVEMBER 1960

NOTE: The tabulation for each county is an average of the Republican votes cast there in all seven statewide races--President, United States Senator, Governor, Lieutenant Governor, Secretary of State, State Treasurer, and Attorney General. This procedure, which tends to deflate non-party factors, should give a fairly realistic indication of Republican numerical strength in each county in 1960.

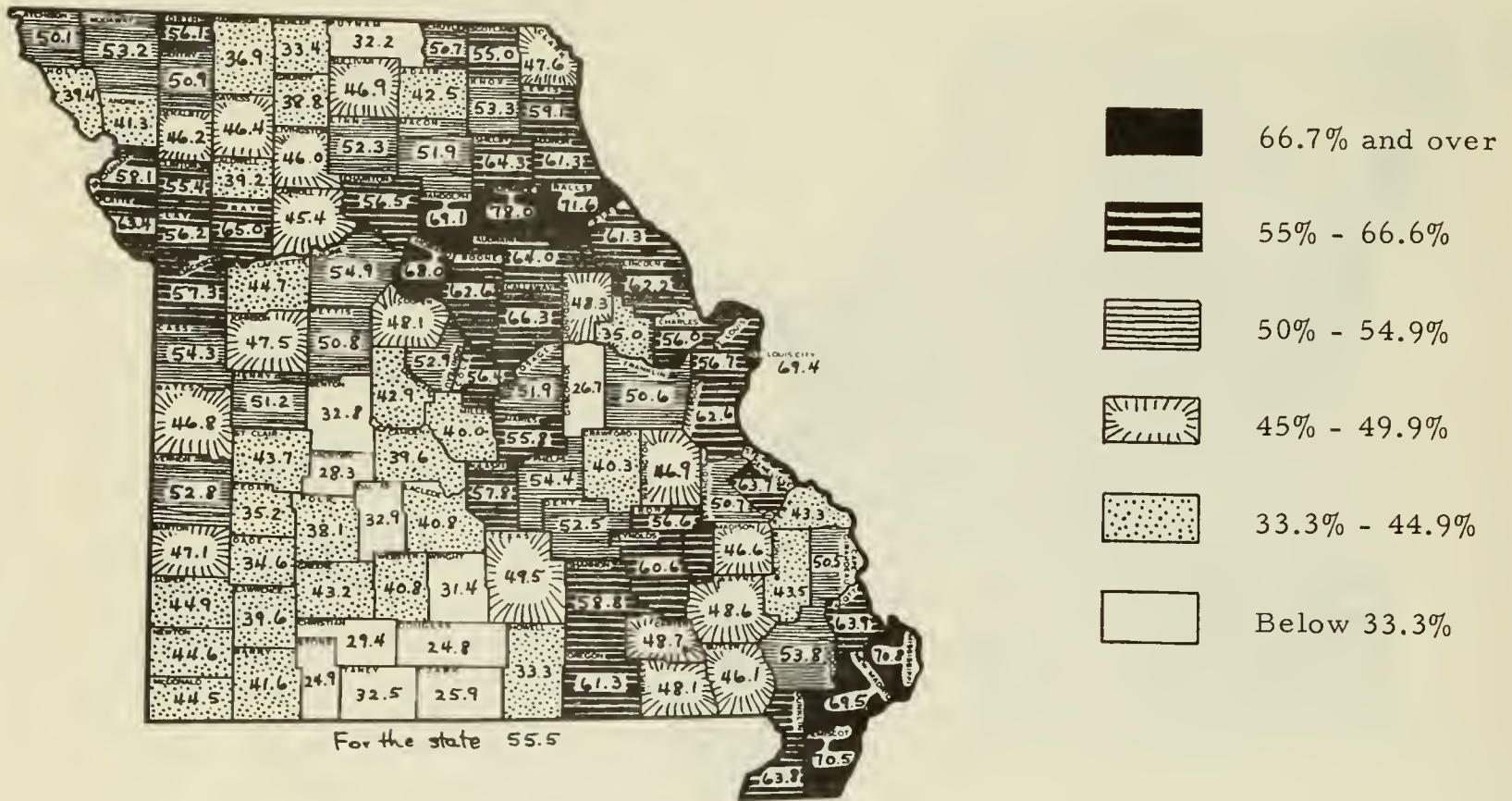


| | | | | | |
|-------------------------------|---------|--------------------------|-------|------------------------------|-------|
| 1. St. Louis County | 139,422 | 40. Texas | 4,395 | 79. Dade | 2,749 |
| 2. Jackson | 110,176 | 41. Cooper | 4,339 | 80. Clinton | 2,736 |
| 3. St. Louis City | 90,425 | 42. Macon | 4,305 | 81. Dent | 2,704 |
| 4. Greene | 31,680 | 43. Christian | 4,276 | 82. Bollinger | 2,690 |
| 5. Jasper | 19,638 | 44. Carroll | 4,260 | 83. Lincoln | 2,666 |
| 6. Buchanan | 16,458 | 45. Webster | 4,248 | 84. Osage | 2,642 |
| 7. Clay | 15,369 | 46. Scott | 4,225 | 85. Ray | 2,619 |
| 8. Jefferson | 10,982 | 47. Miller | 4,144 | 86. Wayne | 2,616 |
| 9. Franklin | 10,632 | 48. Grundy | 4,070 | 87. Putnam | 2,596 |
| 10. St. Charles | 9,854 | 49. Audrain | 4,024 | 88. Gentry | 2,590 |
| 11. Cape Girardeau | 8,934 | 50. Harrison | 3,956 | 89. Pulaski | 2,571 |
| 12. St. Francois | 7,963 | 51. Crawford | 3,770 | 90. Madison | 2,533 |
| 13. Boone | 7,919 | 52. Perry | 3,750 | 91. Holt | 2,524 |
| 14. Newton | 7,893 | 53. Platte | 3,737 | 92. Clark | 2,397 |
| 15. Cole | 7,852 | 54. McDonald | 3,500 | 93. Atchison | 2,354 |
| 16. Pettis | 7,811 | 55. New Madrid | 3,419 | 94. Ozark | 2,304 |
| 17. Lawrence | 7,630 | 56. Andrew | 3,398 | 95. DeKalb | 2,229 |
| 18. Lafayette | 7,384 | 57. Benton | 3,368 | 96. Ripley | 2,220 |
| 19. Butler | 7,299 | 58. Cedar | 3,342 | 97. Lewis | 2,080 |
| 20. Howell | 6,278 | 59. Taney | 3,299 | 98. Mercer | 1,935 |
| 21. Barry | 6,099 | 60. Douglas | 3,291 | 99. Ste. Genevieve | 1,843 |
| 22. Johnson | 5,940 | 61. Pemiscot | 3,254 | 100. Hickory | 1,752 |
| 23. Cass | 5,369 | 62. Dallas | 3,212 | 101. Mississippi | 1,750 |
| 24. Saline | 5,318 | 63. Randolph | 3,209 | 102. Shelby | 1,732 |
| 25. Nodaway | 5,166 | 64. Barton | 3,184 | 103. Knox | 1,692 |
| 26. Stoddard | 5,129 | 65. Montgomery | 3,179 | 104. Howard | 1,681 |
| 27. Laclede | 5,125 | 66. Washington | 3,137 | 105. Scotland | 1,668 |
| 28. Henry | 5,083 | 67. Callaway | 3,092 | 106. Iron | 1,631 |
| 29. Marion | 4,965 | 68. Camden | 3,019 | 107. Maries | 1,463 |
| 30. Bates | 4,914 | 69. Sullivan | 3,014 | 108. Schuyler | 1,457 |
| 31. Adair | 4,832 | 70. Moniteau | 2,986 | 109. Oregon | 1,433 |
| 32. Wright | 4,786 | 71. Pike | 2,982 | 110. Monroe | 1,199 |
| 33. Livingston | 4,680 | 72. Caldwell | 2,920 | 111. Worth | 1,162 |
| 34. Gasconade | 4,664 | 73. Stone | 2,920 | 112. Ralls | 1,104 |
| 35. Linn | 4,535 | 74. Morgan | 2,889 | 113. Shannon | 1,092 |
| 36. Phelps | 4,523 | 75. Daviess | 2,852 | 114. Carter | 864 |
| 37. Dunklin | 4,469 | 76. Chariton | 2,849 | 115. Reynolds | 834 |
| 38. Polk | 4,443 | 77. St. Clair | 2,789 | | |
| 39. Vernon | 4,407 | 78. Warren | 2,756 | | |

FOR THE STATE. 837,283

DEMOCRATIC PERCENTAGE OF COUNTY VOTE IN SEVEN STATEWIDE RACES COMBINED, 8 NOVEMBER 1960

NOTE: The figure for each county is the Democratic percentage of the total vote cast there in all seven statewide races--President, United States Senator, Governor, Lieutenant Governor, Secretary of State, State Treasurer, and Attorney General. Use of all seven races should help deflate certain extraneous non-party factors such as religion and localized popularity, and give a fairly realistic indication of the relative "strength in depth" of the respective parties in each county.



| | | | | | |
|------------------------------|------|------------------------------|------|--------------------------|------|
| 1. Monroe | 78.0 | 40. Phelps | 54.4 | 79. Newton | 44.6 |
| 2. Ralls | 71.6 | 41. Cass | 54.3 | 80. McDonald | 44.5 |
| 3. Mississippi | 70.8 | 42. Stoddard | 53.8 | 81. St. Clair | 43.7 |
| 4. Pemiscot | 70.5 | 43. Knox | 53.3 | 82. Bollinger | 43.5 |
| 5. New Madrid | 69.5 | 44. Nodaway | 53.2 | 83. Perry | 43.3 |
| 6. St. Louis City | 69.4 | 45. Moniteau | 52.9 | 84. Greene | 43.2 |
| 7. Randolph | 69.1 | 46. Vernon | 52.8 | 85. Morgan | 42.9 |
| 8. Howard | 68.0 | 47. Dent | 52.5 | 86. Adair | 42.5 |
| 9. Callaway | 66.3 | 48. Linn | 52.3 | 87. Barry | 41.6 |
| 10. Ray | 65.0 | 49. Macon | 51.9 | 88. Andrew | 41.3 |
| 11. Shelby | 64.3 | 50. Osage | 51.9 | 89. Laclede | 40.8 |
| 12. Audrain | 64.0 | 51. Henry | 51.2 | 90. Webster | 40.8 |
| 13. Scott | 63.9 | 52. Gentry | 50.9 | 91. Crawford | 40.3 |
| 14. Dunklin | 63.8 | 53. Pettis | 50.8 | 92. Miller | 40.0 |
| 15. Ste. Genevieve | 63.7 | 54. St. Francois | 50.7 | 93. Camden | 39.6 |
| 16. Platte | 63.4 | 55. Schuyler | 50.7 | 94. Lawrence | 39.6 |
| 17. Boone | 62.6 | 56. Franklin | 50.6 | 95. Holt | 39.4 |
| 18. Jefferson | 62.6 | 57. Cape Girardeau | 50.5 | 96. Caldwell | 39.2 |
| 19. Lincoln | 62.2 | 58. Atchison | 50.1 | 97. Grundy | 38.8 |
| 20. Marion | 61.3 | 59. Texas | 49.5 | 98. Polk | 38.1 |
| 21. Oregon | 61.3 | 60. Washington | 48.9 | 99. Harrison | 36.9 |
| 22. Pike | 61.3 | 61. Carter | 48.7 | 100. Cedar | 35.2 |
| 23. Reynolds | 60.6 | 62. Wayne | 48.6 | 101. Warren | 35.0 |
| 24. Lewis | 59.1 | 63. Montgomery | 48.3 | 102. Dade | 34.6 |
| 25. Shannon | 58.8 | 64. Cooper | 48.1 | 103. Mercer | 33.4 |
| 26. Buchanan | 58.1 | 65. Ripley | 48.1 | 104. Howell | 33.3 |
| 27. Pulaski | 57.8 | 66. Clark | 47.6 | 105. Dallas | 32.9 |
| 28. Jackson | 57.3 | 67. Johnson | 47.5 | 106. Benton | 32.8 |
| 29. St. Louis | 56.7 | 68. Barton | 47.1 | 107. Taney | 32.5 |
| 30. Iron | 56.6 | 69. Sullivan | 46.9 | 108. Putnam | 32.2 |
| 31. Chariton | 56.5 | 70. Bates | 46.8 | 109. Wright | 31.4 |
| 32. Cole | 56.4 | 71. Madison | 46.6 | 110. Christian | 29.4 |
| 33. Clay | 56.2 | 72. Daviess | 46.4 | 111. Hickory | 28.3 |
| 34. Worth | 56.1 | 73. DeKalb | 46.2 | 112. Gasconade | 26.7 |
| 35. St. Charles | 56.0 | 74. Butler | 46.1 | 113. Ozark | 25.9 |
| 36. Maries | 55.8 | 75. Livingston | 46.0 | 114. Stone | 24.9 |
| 37. Clinton | 55.4 | 76. Carroll | 45.4 | 115. Douglas | 24.8 |
| 38. Scotland | 55.0 | 77. Jasper | 44.9 | | |
| 39. Saline | 54.9 | 78. Lafayette | 44.7 | FOR THE STATE | 44.8 |

The final map and table, on the preceding page, show each party's percentage of the vote in the combined statewide races. Here the deep-dyed counties are easily apparent. The all-black areas show where the Democratic vote was 2 to 1 or better, and the all-clear areas indicate the similarly extreme Republican counties. Such Republican counties are fewer than their Democratic counterparts, but the latter represent a much larger voting population. The touch-and-go counties, where the percentages of difference are slight, are indicated by the thin lines and sunbursts.

Local pockets of party solidity of course are not conducive to healthy competition for political office. In many such areas the lesser party will not bother to offer candidates for county or district office, with the additional unfortunate consequence of discouraging the few voters of that party from going to the polls at all, even though their vote might be crucially important in a close election for a wider constituency such as the governorship, the United States Senate, or even the presidency. Local die-hard areas are to be found in all states, and Missouri has its share. The accompanying table shows how extensive these choice-restricting situations are, particularly in the primaries for the state legislature.

**RESTRICTED CHOICE AND PLURALITY SELECTION
IN MISSOURI PRIMARIES FOR NATIONAL AND STATE OFFICES, 1958 - 1960**

| Office, and number of vacancies to be filled | Number of cases of restricted choice and plurality selection | | | |
|--|---|------------|----------|------------|
| | 1958 | | 1960 | |
| | Democrat | Republican | Democrat | Republican |
| No nominee in primary: | | | | |
| Congressman (11) | | | | 1 |
| State Senator (17) | 1 | 3 | 1 | 4 |
| State Representative (157) | 16 | 30 | 9 | 28 |
| Had no opponent in primary: | | | | |
| Congressman (11) | 3 | 8 | 4 | 5 |
| State Treasurer (1) | | | | 1 |
| Attorney General (1) | | | | 1 |
| State Auditor (1) | 1 | 1 | | |
| State Senator (17) | 12 | 13 | 9 | 9 |
| State Representative (157) | 93 | 100 | 87 | 103 |
| Won by plurality only: | | | | |
| U. S. Senator (1) | | 1 | | |
| Congressman (11) | | 1 | | |
| Secretary of State (1) | | | 1 | |
| State Senator (17) | | | 2 | 1 |
| State Representative (157) | 7 | 1 | 12 | |

Over the state as a whole the parties do not show equal strength for all levels of officials. The Democratic percentages in the presidential vote during the Roosevelt-Truman period (1932-1948) outranked that party's percentages for the gubernatorial and senatorial votes in the same years. Since that time (1952-1960) the Democratic percentages of the presidential vote have decidedly trailed those for Governor and Senator, as appears in the accompanying table.

**DEMOCRATIC PERCENTAGES OF TOTAL VOTE
IN MISSOURI PRESIDENTIAL, U. S. SENATORIAL, AND GUBERNATORIAL ELECTIONS,
1932-1960**

| Year | % for President | | % for U. S. Senator | | % for Governor | |
|------|-----------------|-----------|---------------------|------------|----------------|----------|
| 1932 | 63.7 | Roosevelt | 63.3 | Clark | 60.2 | Park |
| 1936 | 60.8 | Roosevelt | No election | | 57.1 | Stark |
| 1940 | 52.3 | Roosevelt | 51.2 | Truman | 49.9 | McDaniel |
| 1944 | 51.4 | Roosevelt | 49.9 | McKittrick | 50.9 | Donnelly |
| 1948 | 58.1 | Truman | No election | | 56.9 | Smith |
| 1952 | 49.1 | Stevenson | 53.9 | Symington | 52.5 | Donnelly |
| 1956 | 50.1 | Stevenson | 56.4 | Hennings | 52.1 | Blair |
| 1960 | 50.3 | Kennedy | 53.2 | Long | 58.0 | Dalton |

MINOR PARTIES. Minor parties do not fare well in Missouri. In every presidential election from 1904 through 1952 the percentage of the Missouri vote polled by minor parties (such as Socialist, Socialist-Labor, and Prohibition parties) was less than the national average, as will appear from the accompanying table. In 1952 there were six minor parties on the ballot, the most for any election in the period covered. Although this election saw the largest total vote turnout in Missouri's history, the six minor parties garnered fewer votes, and constituted a lesser percentage of the total, than did the minor parties in any previous election in the table.

Occasional abuse of the minor party label by irresponsible or publicity-seeking groups has led to an attempt to curb them. The General Assembly in 1953 passed the so-called Hilsman Act which provides that a party may appear on the ballot only if it polled at least 2% of the vote for Governor at the last gubernatorial election, or if it presents petitions signed by at least 1% of the legal voters in each of the state's eleven congressional districts or 2% of the legal voters in six such districts. The law does not apply to elections for school district offices, township offices, and city offices in cities under 75,000 population. In view of the fact that all minor parties together have never since 1924 polled as much as 2% of the total vote in a Missouri election, and only on two occasions polled as much as 1%, it is very unlikely that under the new law a minor party will be able to secure a place on the ballot. None have appeared in the biennial general elections since 1952.

COMMITTEES. The Missouri Constitution has almost nothing to say on the subject of political parties, but the General Assembly has passed considerable legislation defining the organization and functioning of party committees. The accompanying chart shows the main outlines of the committee system in each party. The committees correspond to districts or areas which elect government officials, a highly practical arrangement since the prime objective of the party at all levels is election of its candidates to office.

The township or ward committee, consisting of one man and one woman elected at the August primaries, is chiefly responsible for building up a strong party group in its area (a rural township or a city ward). These committeemen and committeewomen are the only party officials chosen directly by the people--the membership of all committees higher up (except the national) is constituted either from or by the personnel of the committees lower down, level by level. For months preceding an election, with the aid of volunteers from the ranks of the party, this basic committee diligently prepares voter lists, distributes literature, writes radio script, and does anything calculated to turn out a favorable vote on election day. It is in the work of this committee that a politically minded newcomer in the community will normally find an initial outlet for his political energies. Another function of the committeeman and committee-woman is to suggest to the chairman of the county committee the names of party members who may serve as election judges.

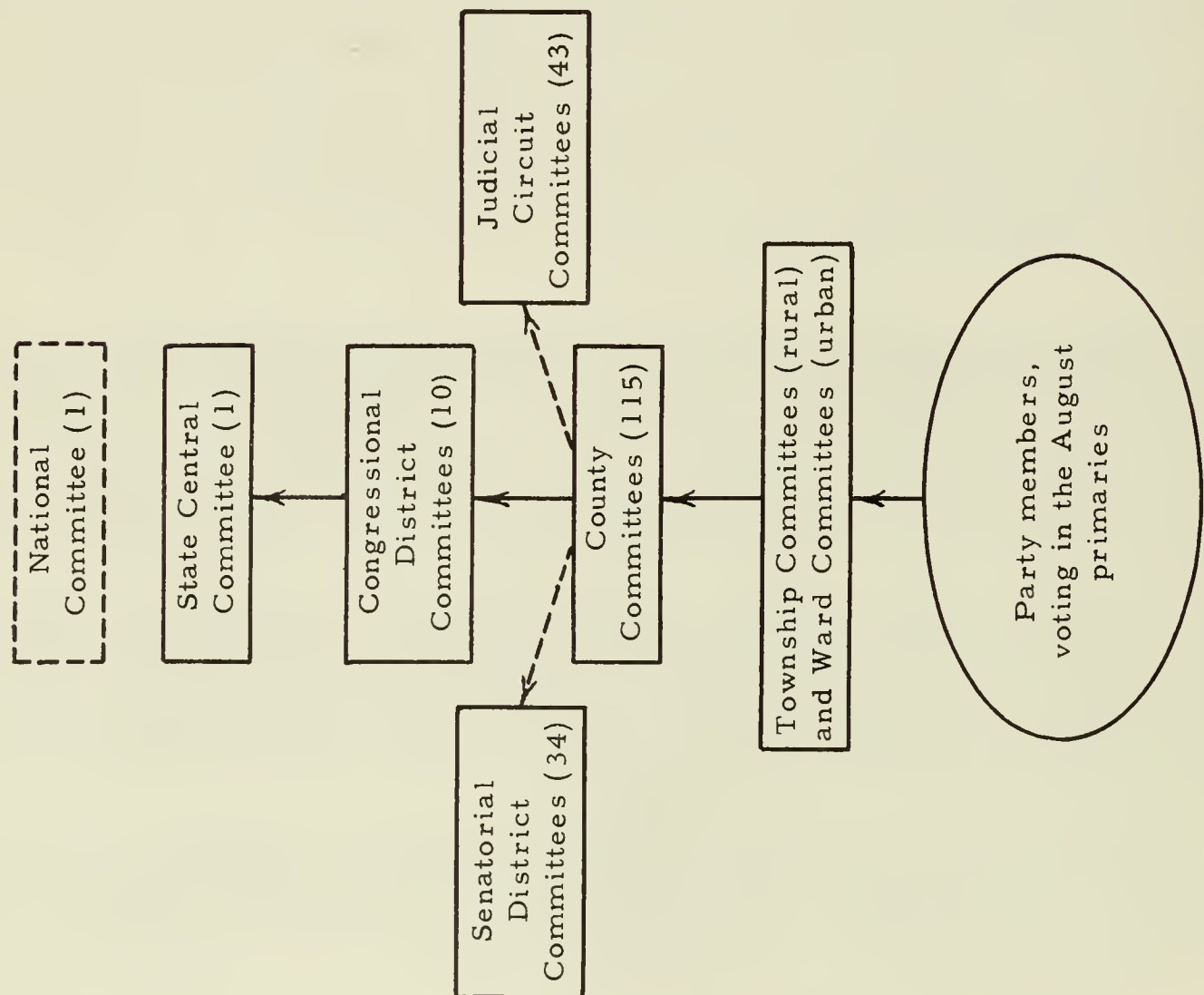
The county committee includes the members of all the township and ward committees in the county. It is one of the most important of all the committees. Since the members (the township and ward committeemen and committeewomen) are elected directly by the people and live in the county, they have a large acquaintance with the "grass roots" or local elements. The committee, having general oversight of the party fortunes in the area, coordinates the activities of the precincts, makes arrangements for public meetings, advises with candidates during the campaign, nominates election judges to the county court, and, if a candidate for a county office dies or resigns after the filing deadline in April, may appoint a new candidate (unless, in the case of a vacancy occurring before the August primary, there is at least one other candidate of the same party running for the office). The chairman of the county committee is usually the most influential party member in the county. The chairman and vice-chairman, one of whom by law must be a woman, are chosen by the committee itself. The committee is by law empowered to fill membership vacancies which occur in its ranks.

Next higher in the line-up are the congressional district committees, one for each of the 11 districts which send Representatives to Congress. This committee, generally speaking, is composed of the chairmen and vice-chairmen of all county committees in the district. However, for those congressional districts which include counties containing more than one legislative district, the congressional committee consists not only of the county chairmen and vice-chairmen but also of the chairmen and vice-chairmen of the several legislative district committees. The 6th Congressional District, which includes Buchanan County, is of this sort; also the 7th, which includes Greene and Jasper Counties. A congressional district composed in whole or in part of a part of a city or a part of a county, includes in its committee the ward or township committeemen and committeewomen in such parts of cities or parts of counties. This situation prevails in the following congressional districts: 1st (part of St. Louis City and part of St. Louis County), 2nd (part of St. Louis County), 3rd (part of St. Louis City), 4th (part of Kansas City and part of Jackson County), and 5th (part of Kansas City).

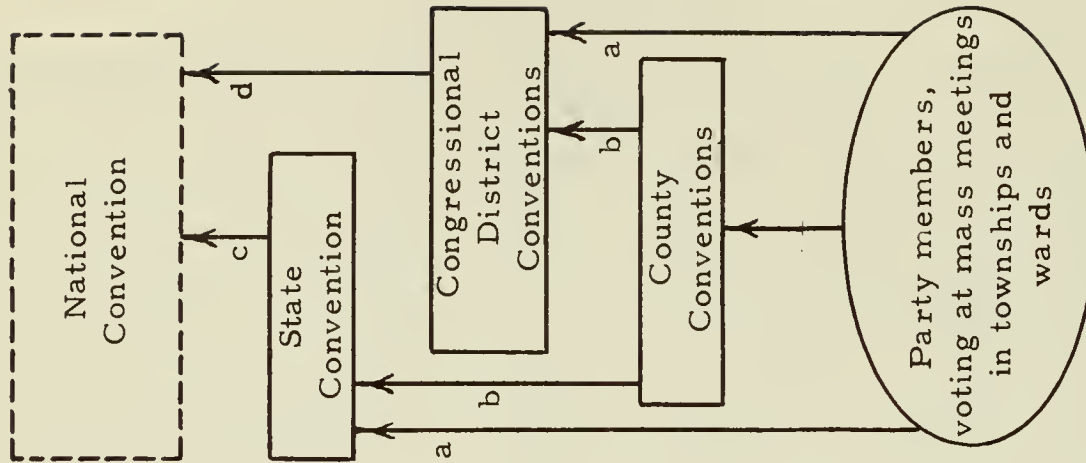
The work of the congressional committee is to make arrangements for the district convention, to elect the members of the state committee, to manage the campaign for congressman in the district, and, as with the county committee, to choose a new candidate for Congress if death or resignation leaves the party without a candidate.

At the top of the structure, as far as state law is concerned, is the state central committee. State statutes govern its makeup and powers. The membership of this consists in six per-

PARTY COMMITTEE SYSTEM IN MISSOURI



PARTY CONVENTIONS IN MISSOURI



- a. For delegates from St. Louis City and Jackson County.
- b. For delegates from other areas than St. Louis City and Jackson County.
- c. For delegates-at-large.
- d. For delegates representing the congressional districts (for the Democratic Party, these are nominated by the district conventions and formally approved by the state convention).

sons (four prior to 1961)--three men and three women--chosen by each of the ten congressional district committees. Persons so chosen need not be members of such committees. This makes a total membership of 60. Years ago this committee had considerable power in selecting the party's candidates for state offices, but now its duties are practically confined to writing, in conjunction with the party's candidates nominated at the August primaries, the party's state platform, to giving advice and assistance in the state-wide election campaign, and to making arrangements for the state convention. It may, like the other committees, appoint a new candidate to replace one who dies or resigns. The committee chooses its own chairman and vice-chairman, one of whom must be a woman.

Two groups of committees, those for the senatorial districts and the judicial circuits respectively, are somewhat outside the regular line-up. The first assists in the campaign for state Senator, and the second in the campaign for circuit judge (for maps of these districts, see chapters 7 and 15. They too can replace a nominee who has been removed by death or resignation.

Normally the senatorial committee consists of the chairmen and vice-chairmen of the county committees in the senatorial district. But if the senatorial district contains a multilegislative district county, as in the case of No. 32 which includes Jasper County, the senatorial committee also includes the chairmen and vice-chairmen of the legislative districts in that county. If the senatorial district is coextensive with one county (No. 30, Greene), the senatorial committee is simply the county committee. And if the senatorial district is composed in whole or in part of a part of a city or a part of a county (Nos. 1-6, parts of St. Louis City; Nos. 7, 13-15, and 24, parts of St. Louis County; Nos. 8-11, parts of Jackson County and Kansas City), then such senatorial district committee is made up of the committeemen and committeewomen of the wards and townships in such parts.

Similarly the judicial district committees are normally made up of the chairmen and vice-chairmen of the county committees in the district. But where the judicial district is coextensive with one county (No. 5, Buchanan; No. 7, Clay; No. 16, Jackson; No. 19, Cole; No. 21, St. Louis County; No. 22, St. Louis City; No. 29, Jasper; No. 31, Greene), the judicial committee is the county committee. There are no judicial districts composed in whole or in part of a part of a city or a part of a county, but if such should occur the law provides that the judicial committee should then be made up similar to those for the congressional and senatorial districts containing such parts.

The national committee of each party consists of a man and woman from each state and territory. The members are chosen by the national convention on the nomination of their respective state delegations. Missouri's two members are nominated first by the state convention, then presented formally by the Missouri delegation to the national convention.

CONVENTIONS. In addition to the committees described above, there are party conventions on the county, Congressional district, and state levels, with important duties to perform. These conventions are regulated almost wholly by the party's committees on the respective levels.

Possibly the most prominent service performed by the conventions with their big-name speakers and gala trappings is to help build up a good party spirit. They also carry out certain specific responsibilities. The state convention, for instance, helps select the state's delegates to the national presidential nominating convention, chooses the committeeman and committee-woman for the party's national committee, and makes up the list of 12 electors (10 nominated by the district conventions, and 2 chosen at large) who, for the successful party, will cast the state's electoral vote for President and Vice President.

The number of delegates to the national convention is not quite the same in each party. Originally based on the number of Senators and Representatives a state had in Congress, representation in the early conventions gave disproportionate weight to areas in the nation which pro-

verbially voted the "other way" in November. Both parties struggled with the problem, which in the Republican convention was concerned with the Solid South, and in the Democratic convention with states like Maine and Vermont. A rather intricate formula, subject to change every four years, has been worked out by each party, which, while not cutting down any state's "normal" representation, allows bonus delegates from those states and districts which produced heavy favorable majorities in the previous election. In 1960 Missouri had 39 delegates in the Democratic convention and 26 in the Republican one. Each party elected two delegates from each of the eleven congressional districts; in addition the Democrats chose 17 delegates-at-large and the Republicans 4. Alternates, who act in case of the illness or resignation of regular delegates, also are elected to the national conventions. The basic numbers for the Missouri delegations in 1964 will be different, since the number of Congressmen has been reduced from 11 to 10.

PLATFORMS. Missouri law requires each party to draw up a state platform, separate from the national party platform. The statute specifies that at noon on the second Tuesday in September following the August primary the party's state committee shall meet in Jefferson City with the party's newly nominated candidates for state offices, General Assembly, circuit judgeships, and Congress, and together work out a platform. Such "platform conventions" are found in about thirteen other states, mostly in the west. In Missouri they are enthusiastic occasions, being addressed by prominent party heroes and virtually constituting the "kick-off" of the fall campaign.

State platforms usually do not differ much from the national platforms on general issues, though they often include special planks on state matters. Realistically, a political party platform should not be looked upon as a set of solemn promises to be carried out at all costs if the party wins the election. The party leaders certainly do not consider them such. A platform is a general statement of viewpoint at the time, framed in such a manner as to attract the greatest number of votes. The persons who frame it try to avoid taking a clear-cut stand on any matter likely to divide large groups of voters. A comparison of major party platforms in Missouri in recent years reveals strong agreement on something like three-fourths of the items they include. There is always eloquent avowal of concern over social security, natural resources, plight of the farmer, veterans' benefits, education, and prosperity for everybody. Since disagreement arises on the specific means and degrees of tackling the problems, commitments of this kind are avoided as much as possible.

It should be observed that Missouri legislators, after election, usually make at least a token effort to redeem major campaign pledges by introducing appropriate bills in the General Assembly. Many of the bills die, at some stage of the proceedings. Controversial issues, whether national, state, or local, are usually solved by patient, often strenuous endeavor and compromise, the results very often looking quite different from prospects painted during the exhilaration of an election campaign.

CAMPAIGN REGULATION. Many laws, both federal and state, attempt to regulate political campaign activities. Penalties are provided for bribery, and even for spending too much money in otherwise legitimate campaigning. Since mass commercial appeals are regularly and successfully made to the public through the channels of press, radio, and television, politicians naturally place heavy reliance on the same media. The costs, however, are heavy, and all states have found it difficult if not impossible to enact realistic legislation curbing the use of campaign funds. Missouri's General Assembly in 1959 raised the limits of expenditure by any candidate for public office to \$8.00 per hundred votes cast at the previous general election in that constituency. The big loophole, of course, is the expenditure of additional sums by friends of the candidate, care being taken not to channel the funds through the candidate himself.

All candidates and political committees are required to make expense reports shortly after the close of the campaign. The laws are not rigorously enforced, but there is probably

not much corruption or the city newspapers would make louder complaints than they do. American politics wears some unlovely clothes during a campaign, but these are chiefly of the "smear" variety which, while not to be condoned, have characterized political campaigns for more than a century and are rather expected in both camps. Segments of the public would nevertheless welcome a generally higher tone in campaigning.

PRESSURE GROUPS. Pressure politics, sometimes in a derogatory fashion referred to as "lobbying", is the effort of individuals and groups to influence those who make the laws and those who carry them out. This pressure can be applied even on the selection of candidates in the primaries, and also on prominent citizens (bankers, creditors) in a legislator's constituency who may be in a position to influence the legislator. Usually, but not always, the pressure comes from people or corporations whose interests will be directly affected by the law or bill in question. Examination of a current Jefferson City telephone directory will reveal at least twenty "associations" whose staffs are presumably engaged in legitimate pressure activities.

Some of the most effective pressure comes from large groupings that transcend a single company and work for the advantage of a broad segment of the population. Farm associations, labor unions, teachers' groups, and chambers of commerce fall within this category, all attempting to procure legislative and administrative action favorable to their own programs and interests. The examples cited, however, can hardly be condemned as narrow self-seeking minorities since they represent large sections of the public whose interests are tied in with those of many other groups. The pressure activities of these organizations, by and large, are neither underhanded nor misleading; they in fact supply the sincere legislator with much information helpful in the framing of new laws.

Probably the least objectionable type of pressure is that done by organizations such as the League of Women Voters and other welfare and reform groups which have no personal "ax to grind". Devoting their effort primarily if not wholly to community betterment through good government, and usually without reference to party labels, they bring to the attention of legislators and voters alike helpful information and advice on public affairs.

Since democracy is supposed to guarantee freedom of speech, it is quite natural to look upon pressure activity as a democratic right. If we believe in our own right to send a letter to our congressman telling him what we think, it is difficult to deny the same privilege to a paid agent who exercises it in a more sophisticated manner. All rights are subject to abuse, however, and the right to attempt to influence is no exception. When an individual or group seeks to persuade officials through bribery or threats, freedom has been abused; all states have laws forbidding this. When a group manipulates the government to its own interests through clever though presumably legal stratagem, such action is far more difficult to detect as well as to combat. States which have laws aimed at this twilight zone find strict enforcement difficult. Some thirty states require lobbyists to register their activities, while about twenty require in addition an accounting of money spent. Missouri at the present time has practically no lobby law, the fairly strict one of 1907 having been declared unconstitutional in 1919. About the only regulation of lobbying which remains, aside from the criminal law relating to bribery, is that forbidding a lobbyist to go upon the floor of the House or Senate without an invitation from that body.

For many years repeated attempts have been made to secure an effective lobby law. Governor Dalton in 1960-61 advocated as one of his principal objectives passage of legislation to control the excesses of lobbying and to prevent conflict-of-interest practices by legislators. The General Assembly in 1961 defeated these moves, though it did adopt by resolution a code of ethics for public officials with no provision for enforcement. Attempts to get a wise and constitutional lobby law along the general pattern employed by other states will undoubtedly continue.

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Chapter 4

WHO ARE THE VOTERS?

If one of the indispensable elements in a democracy is rule by the people, then equally fundamental must be the means by which the will of the people is officially expressed--that is, voting. It is voters that select, directly or indirectly, the leaders of government. Conversely it is voters that turn them out of office at the end of their terms if they do not render the kind of service needed or wanted.

QUALIFICATIONS FOR VOTING. Not everybody can be trusted with the exercise of the franchise. Children have had neither the experience nor the education to be good choosers of public officials. Criminals have shown by their actions that they cannot be trusted with responsibility for the public welfare. Other qualifications are added by different states. Voting, in short, cannot be claimed as a natural right pertaining to citizenship. It is rather both a privilege and a serious responsibility of citizenship, restricted to those persons whom society believes capable of properly exercising it.

In a country like the United States the general level both of education and of social awareness is so high that almost all adults who are not criminals are allowed to vote. Where voting discriminations do exist they are mostly exceptions and do not characterize the country as a whole.

Generally speaking the states, rather than Congress or the federal Constitution, set the specific qualifications for voting. Certain restrictions are imposed on the states, however, by the federal Constitution. The 14th, 15th, and 19th Amendments say in effect that no state may keep any person from voting unless that person is (1) not a citizen, (2) under age 21, or (3) a criminal or rebel. If a state does prevent persons from voting on any grounds other than these three, a strict interpretation of the 14th Amendment would seem to require that that state's number of Representatives in Congress be reduced proportionately. Since practically all states do impose additional restrictions, many of which appear to be quite reasonable, the penalty provided in the 14th Amendment has never been applied.

It should be noted that none of the federal provisions regarding voting prevents a state from liberalizing its own requirements. It is only when a state attempts to restrict the right to vote that the provisions of the federal Constitution apply. States may be as liberal as they like in letting down the bars. In previous years several states permitted aliens to vote. Georgia and Kentucky have reduced the voting age to 18; Alaska allows voting at 19, and Hawaii at 20.

Missouri's suffrage requirements are stated in Article VIII, Section 2, of the state Constitution:

"All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one who have resided in this state one year, and in the county, city or town sixty days next preceding the election at which they offer to vote, are entitled to vote at all elections by the people. . . . No idiot, no person who has a guardian of his or her estate or person and no person while kept in any poorhouse at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting."

From this it appears that Missouri disqualifies not only the three classes whose disfran-

SAMPLE VOTER REGISTRATION FORM

| PRINT—LAST NAME | | | FIRST NAME | MIDDLE NAME OR INITIAL | | | Precinct | Ward |
|--|--------------------|--------------------|---|-------------------------------|-----------------------------|-------------------------------|--|---------------------------|
| MR. <input type="checkbox"/> | | | | | | | | |
| MISS <input type="checkbox"/> | | | | | | | | |
| MRS. <input type="checkbox"/> | | | | | | | | |
| HOUSE NO. | STREET NAME | | Apt. No. | Room No. | FLOOR | AGE | SEX | COLOR |
| OCCUPATION | | | BIRTHPLACE | IF NATURALIZED, WHERE | | | COURT | SWORN (YES—NO) |
| TERM OF RESIDENCE | | | TO BE FILLED IN IF VOTER SIGNS BY MARK | | | | | |
| STATE | COUNTY | Precinct | HEIGHT FT. IN. | COLOR OF EYES | DISTINGUISHING MARKS | | | |
| REMARKS: | | | | | | | | |
| <p>State of Missouri, County of Boone, ss. I hereby swear (or affirm) that the statements made herein are true and that on or before the next ensuing primary or election I will be at least twenty-one years of age, and that I am or will be, on said date, a qualified elector in the City of Columbia, Missouri.</p> <p>Subscribed and sworn to before me this _____ day of _____ A. D., 19____</p> | | | | | | | | |
| SIGNATURE OF DEPUTY | | | | | | | | |
| CHANGE OF ADDRESS | | | OLD | | NEW | | Voter's Signature | Mark |
| Date | House No. | Street Name | From Prct. | Ward | To Prct. | Ward | Cause for Removal from Record | Date |
| | | | | | | | Dead <input type="checkbox"/> Insane <input type="checkbox"/> | |
| | | | | | | | Disfranchised <input type="checkbox"/> Pauper <input type="checkbox"/> | |
| | | | | | | | Missed two General Elections <input type="checkbox"/> | |
| | | | | | | | Missed two Primary Elections <input type="checkbox"/> | |
| | | | | | | | Moved from city, address unknown <input type="checkbox"/> | |
| | | | | | | | Notice of cancellation sent <input type="checkbox"/> | |
| | | | | | | | Reinstated <input type="checkbox"/> | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | Last Name | | | Middle Name or Initial | | |

[illegible]

chisement is permitted by the federal Constitution (aliens, children, criminals), but also (1) those who have not lived in Missouri one year, (2) those who have not lived in the county or city or town 60 days, (3) idiots, (4) persons with guardians, and (5) people kept in poor houses at public expense. In addition to these provisions from the state Constitution Missouri law requires, for certain kinds of cities, a fixed term of residence within the voting precinct. Servicemen and students who are away from home at election time are not counted as having either "gained or lost a residence" as a result; if they are otherwise qualified to vote they may cast an absentee ballot. In the case of pardoned criminals, the voting privilege is restored only if the Governor specifically provides for this in the pardon. A constitutional amendment adopted in 1958, together with enabling legislation passed in 1959, permit persons to vote for President and Vice President with a minimum of 60 days' residence in the state.

Most people will agree that the qualifications listed above are reasonable, with the possible exception of the one regarding inmates of poor houses. At any rate, such restrictions have generally been upheld in the courts as being not in conflict with either the federal or state constitutions.

From state to state, voting requirements differ considerably. The residence requirement varies from six months to two years. Other requirements may include a literacy test, payment of a "poll tax", etc. Most states, including Missouri, observe the common-law principle of considering a person to be of eligible age if his twenty-first birthday falls on the day after the election.

SUMMARY OF
QUALIFICATIONS FOR VOTING IN MISSOURI

| <u>Positive</u> <u>Qualifications</u> (All must be met) | <u>Negative</u> <u>Qualifications</u> (Any one of these will disqualify) |
|---|--|
| U. S. citizenship | Idiocy |
| Age 21 | Having a guardian |
| Residence in state for 1 year | Being kept at public expense in |
| Residence in county, city, or town | poor house |
| for 60 days | Criminality |
| Residence in precinct for certain | |
| period (only in certain cities) | |

REGISTRATION. The first states to require voter registration were California and New York, in 1866. It is now a hurdle prerequisite to voting, for populous areas at least, in almost every state. Missouri court decisions have viewed registration not as a qualification for voting but rather as a reasonable means for proving one's qualifications. The purpose of all registration systems is to make sure that the would-be voter is properly qualified to receive and cast the ballot for which he asks; they are especially needed in populous areas where all who are entitled to vote cannot easily be recognized by the election officials. Under a registration system a person may vote only in the precinct where his registration card is kept; a check mark made on the card at the time of voting helps prevent fraudulent or double voting.

The General Assembly is empowered by the Constitution to make what laws it chooses on the subject of registration. Over the years some rather complicated provisions have been adopted, the net effect being to require permanent registration in all cities over 10,000 population, and in all places (urban and rural) in Clay County, Jackson County, and St. Louis County. In 1959 a law was passed enabling 15% of the qualified voters in any county to petition the

county court for a vote on adoption or repeal of registration. Pemiscot County, whose Representative C. W. Foley introduced the new law in the 1959 General Assembly, adopted voter registration in November 1960, thus becoming the first county to act under the law.

ABSENTEE VOTING. All states except Maryland, New Mexico, Pennsylvania, and South Carolina permit citizens to vote by mail if away from home on general election day (members of the armed services, by national law and for national elections, are guaranteed this right in all states). Missouri's present law, adopted in 1949, is one of the most liberal, allowing any qualified Missourian to vote if prevented from going to the polls either by physical disability or by reason of being anywhere in the world outside his home county on election day. The procedure is simple. An absentee ballot is procured in advance of the election, either personally or by mail, from the voter's home county clerk (or board of election commissioners if in St. Louis City, St. Louis County, Kansas City, Jackson County, or Clay County). This must be done not earlier than 30 days preceding the election nor later than 6:00 p.m. on the day before the election. The voter takes this ballot to some qualified officer (any officer authorized by law to administer oaths, such as the county clerk in the county where the voter is visiting), marks it in his presence though not to allow the actual marking to be seen, and mails it back to the home election officials. It must be postmarked not later than election day, and be delivered to the issuing official not later than 6:00 p.m. on the day following the election. The voter may, if he chooses, vote the absentee ballot before he leaves his home town.

ABSENTEE VOTE IN MISSOURI, 1946 - 1958

| Election | Absentee vote | Total vote | % |
|----------------------|---------------|------------|-----|
| 1946 (U. S. Senator) | 8,765 | 1,086,241 | 0.8 |
| 1948 (President) | c15,000* | 1,578,574 | 1.0 |
| 1950 (U. S. Senator) | c23,000* | 1,279,631 | 1.8 |
| 1952 (President) | c70,000* | 1,892,062 | 3.7 |
| 1954 (State Auditor) | c26,000* | 1,185,864 | 2.2 |
| 1956 (President) | 65,098 | 1,833,673 | 3.5 |
| 1958 (U. S. Senator) | 28,484 | 1,173,930 | 2.4 |
| 1960 (President) | 83,774 | 1,934,422 | 4.3 |

* Estimated, as some counties did not report absentee vote separately.

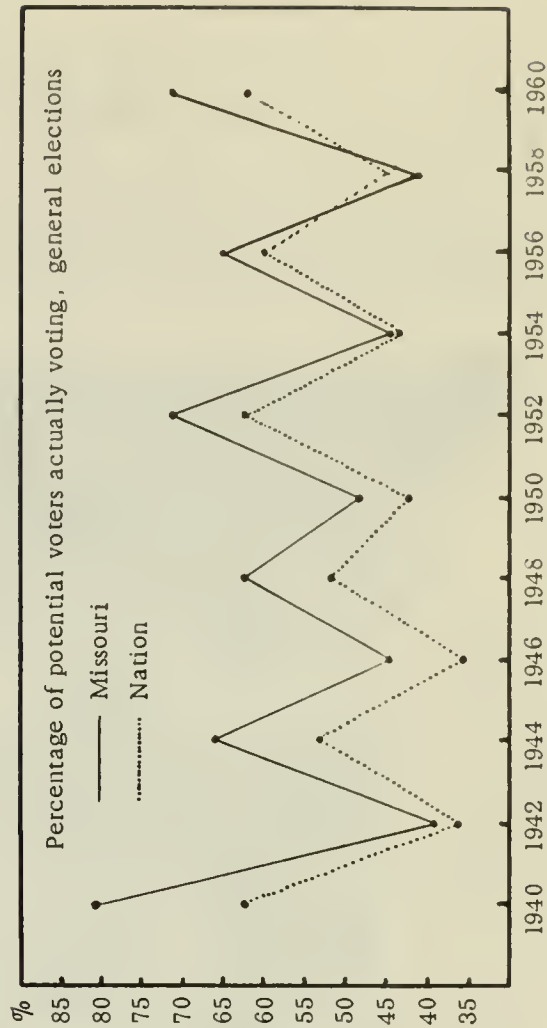
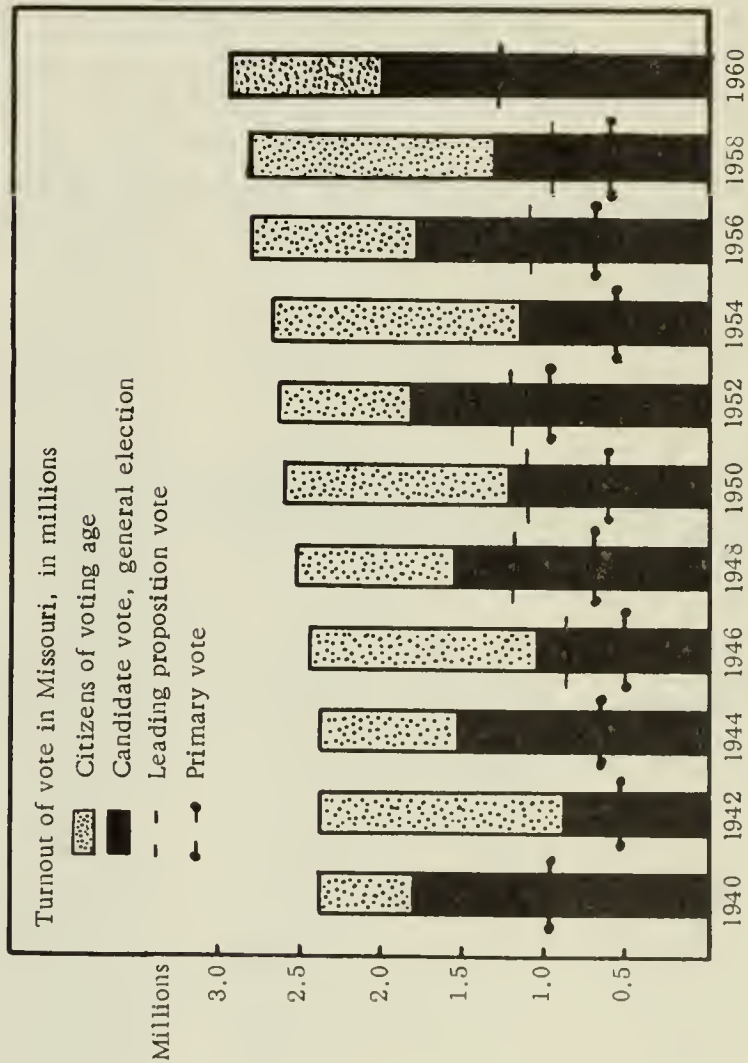
Absentee ballots are counted after the election day, when the count of all the others has been completed. The total absentee vote has usually been small, constituting less than 4% of the total. Its significance may be very large in a close race, however. In practically every general election some seats in the General Assembly remain in doubt until the absentee count is announced. In April 1951 the results of an aldermanic race in Hayti were changed by the counting of three absentee ballots, all for one candidate.

Examples such as these point up the importance of every voter voting, whether in person or through the absentee mechanism. The Hayti case raises the further question of the secrecy of the ballot; for, since the names of absentee voters are available to the public, it may be apparent how they voted if the results of a close preliminary count are reversed by the counting of a very small number of absentee ballots.

VOTING PARTICIPATION IN MISSOURI, 1940 - 1960

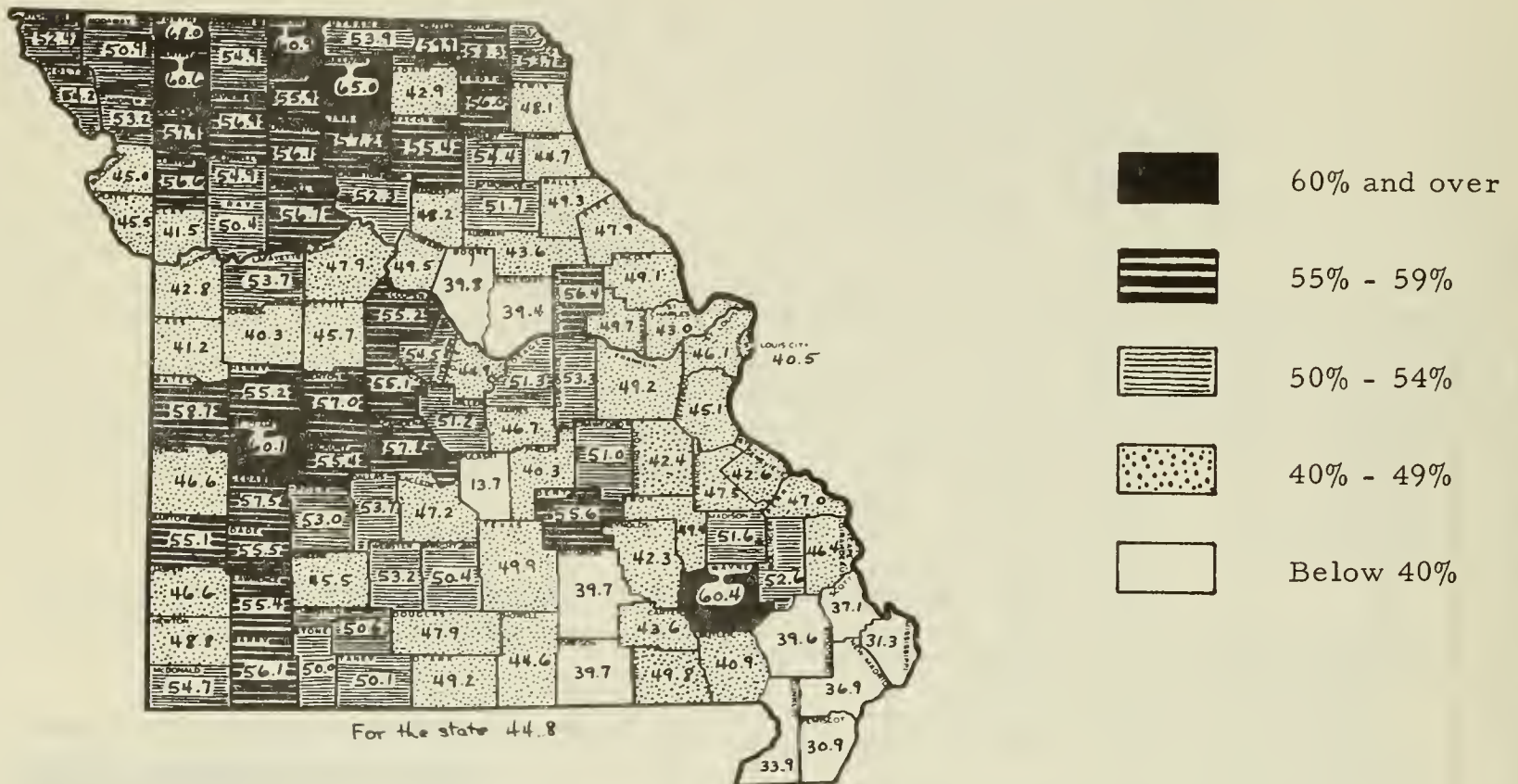
| Election year | Missouri citizens of voting age (a) | Primary election | | General election | | Vote on leading constitutional proposition, as a percentage of candidates' vote |
|---------------|-------------------------------------|------------------|-------------------|------------------|------------------------------|---|
| | | Vote (b) | Percentage voting | Vote (c) | Percentage voting Mo. Nation | |
| 1940 | 2,464,000 | 949,685 | 38.5 | 1,833,729 | 74.4 | 62.0 |
| 1942 | 2,500,000 | 520,836 | 20.8 | 924,683 | 37.0 | 36.2 |
| 1944 | 2,525,000 | 645,723 | 25.6 | 1,572,474 | 62.3 | 52.8 |
| 1946 | 2,550,000 | 501,589 | 19.7 | 1,086,241 | 42.6 | 36.0 |
| 1948 | 2,575,000 | 713,849 | 27.7 | 1,578,574 | 61.3 | 51.4 |
| 1950 | 2,620,000 | 641,583 | 24.5 | 1,279,631 | 48.8 | 42.6 |
| 1952 | 2,627,000 | 962,371 | 36.6 | 1,892,062 | 72.0 | 62.5 |
| 1954 | 2,678,000 | 520,891 | 19.5 | 1,185,864 | 44.3 | 43.4 |
| 1956 | 2,717,000 | 643,716 | 23.7 | 1,833,673 | 67.5 | 60.4 |
| 1958 | 2,670,000 | 534,446 | 20.0 | 1,173,930 | 44.0 | 45.8 |
| 1960 | 2,700,000 | 739,495 | 27.4 | 1,934,422 | 71.6 | 63.1 |

- (a) Estimates from Bureau of Census.
 (b) For Governor in leap years; State Superintendent of Schools in 1942; State Auditor in 1954; U. S. Senator in other years. The governorship race customarily shows the largest total vote in any given Missouri primary.
 (c) For President in leap years; State Superintendent of Schools in 1942, U. S. Senator in 1946, 1950, and 1958, State Auditor in 1954.
 (d) Vote on proposed new Constitution, 27 February 1945.
 (e) To increase legislators' pay.
 (f) To increase gasoline tax.
 (g) To allow school tax increase.
 (h) To allow school tax increase.
 (i) To change legislative sessions.
 (j) To permit branch banking.
 (k) To provide continuity of government in case of enemy attack.



VOTE TURNOUT, BY COUNTIES, AS A PERCENTAGE OF THE POPULATION, IN PRESIDENTIAL ELECTION OF 8 NOVEMBER 1960

NOTE: Due to current unavailability of figures on adult population by counties, the percentages here are based on total population reported in the 1960 census. These percentages, while not comparable with those in the preceding table, nevertheless provide a workable approximation of the relative rank of the counties by turnout of possible vote. The percentages in a few counties may be misleading, due to the presence of population which if it votes at all does not vote there (Fort Leonard Wood in Pulaski County; college students in Boone County).



| | | | | | |
|--------------------------|------|----------------------------|------|-------------------------------|------|
| 1. Worth | 68.0 | 40. Dallas | 53.7 | 79. Jasper | 46.6 |
| 2. Sullivan | 65.0 | 41. Lafayette | 53.7 | 80. Vernon | 46.6 |
| 3. Mercer | 60.9 | 42. Gasconade | 53.3 | 81. Cape Girardeau | 46.4 |
| 4. Gentry | 60.6 | 43. Andrew | 53.2 | 82. St. Louis | 46.1 |
| 5. Wayne | 60.4 | 44. Webster | 53.2 | 83. Pettis | 45.7 |
| 6. St. Clair | 60.1 | 45. Polk | 53.0 | 84. Greene | 45.5 |
| 7. Schuyler | 59.9 | 46. Bollinger | 52.6 | 85. Platte | 45.5 |
| 8. Bates | 58.7 | 47. Atchison | 52.4 | 86. Jefferson | 45.1 |
| 9. Scotland | 58.3 | 48. Chariton | 52.3 | 87. Buchanan | 45.0 |
| 10. DeKalb | 57.9 | 49. Monroe | 51.7 | 88. Cole | 44.9 |
| 11. Camden | 57.8 | 50. Madison | 51.6 | 89. Marion | 44.7 |
| 12. Cedar | 57.5 | 51. Osage | 51.3 | 90. Howell | 44.6 |
| 13. Linn | 57.2 | 52. Miller | 51.2 | 91. Audrain | 43.6 |
| 14. Benton | 57.0 | 53. Crawford | 51.0 | 92. Carter | 43.6 |
| 15. Daviess | 56.9 | 54. Nodaway | 50.9 | 93. St. Charles | 43.0 |
| 16. Carroll | 56.7 | 55. Christian | 50.6 | 94. Adair | 42.9 |
| 17. Clinton | 56.6 | 56. Ray | 50.4 | 95. Jackson | 42.8 |
| 18. Montgomery | 56.4 | 57. Wright | 50.4 | 96. Ste. Genevieve | 42.6 |
| 19. Barry | 56.1 | 58. Taney | 50.1 | 97. Washington | 42.4 |
| 20. Livingston | 56.1 | 59. Stone | 50.0 | 98. Reynolds | 42.3 |
| 21. Knox | 56.0 | 60. Texas | 49.9 | 99. Clay | 41.5 |
| 22. Grundy | 55.9 | 61. Ripley | 49.8 | 100. Cass | 41.2 |
| 23. Dent | 55.6 | 62. Warren | 49.7 | 101. Butler | 40.9 |
| 24. Dade | 55.5 | 63. Howard | 49.5 | 102. St. Louis City | 40.5 |
| 25. Hickory | 55.4 | 64. Iron | 49.4 | 103. Johnson | 40.3 |
| 26. Lawrence | 55.4 | 65. Ralls | 49.3 | 104. Phelps | 40.3 |
| 27. Macon | 55.4 | 66. Franklin | 49.2 | 105. Boone | 39.8 |
| 28. Cooper | 55.2 | 67. Ozark | 49.2 | 106. Oregon | 39.7 |
| 29. Henry | 55.2 | 68. Lincoln | 49.1 | 107. Shannon | 39.7 |
| 30. Barton | 55.1 | 69. Newton | 48.8 | 108. Stoddard | 39.6 |
| 31. Morgan | 55.1 | 70. Randolph | 48.2 | 109. Callaway | 39.4 |
| 32. Caldwell | 54.9 | 71. Lewis | 48.1 | 110. Scott | 37.1 |
| 33. Harrison | 54.9 | 72. Douglas | 47.9 | 111. New Madrid | 36.9 |
| 34. McDonald | 54.7 | 73. Pike | 47.9 | 112. Dunklin | 33.9 |
| 35. Monteau | 54.5 | 74. Saline | 47.9 | 113. Mississippi | 31.3 |
| 36. Shelby | 54.4 | 75. St. Francois | 47.5 | 114. Pemiscot | 30.9 |
| 37. Holt | 54.2 | 76. Laclede | 47.2 | 115. Pulaski | 13.7 |
| 38. Putnam | 53.9 | 77. Perry | 47.0 | | |
| 39. Clark | 53.7 | 78. Maries | 46.7 | | |

NON-VOTING. Missouri, although generally somewhat above the national average, does not have a very good voting record as far as numbers are concerned. Where European elections frequently produce an 80% or 90% turnout, less than 70% may be expected in the United States. Non-voting is worse in the "off-year" elections when in many areas less than half the potential electorate goes to the polls. Almost always a proposition, such as a proposed constitutional amendment, receives a smaller total vote than that cast for candidates in a general election. Even lower is the vote turnout in the August primaries. When Missourians first voted--on 28 August 1820 for the purpose of setting up the new state government--9229 votes were cast, which was about 85% of the eligible voting population. When the Constitution of 1945 was adopted less than one-third of the eligible voters went to the polls. Missouri's voting record since 1940 is indicated in the accompanying table and charts. That it is generally somewhat above the national average is no great cause for pride.

The map and list showing the comparative vote turnout in Missouri's counties presents food for thought. There is no particular correlation between population density and vote turnout. The better showings are in the north and southwest. The poorest showing for any section is in the Bootheel. A rather definite correlation between party and vote turnout is observable. Using the "Party Success" tabulation of chapter 3, all eleven of the counties with poorest turnout (under 40% of the total population) are Democratic. In the 40%-49% bracket there are 26 Democratic and 17 Republican counties. In the 50%-54% bracket Republican counties dominate 21 to 5. In the next higher bracket, 55%-59%, the Republican record is 16 compared with the Democratic 8. In the highest turnout percentage there are three counties of each party.

The "right to be silent"--protest by abstention--is legitimate but probably does not account for much of the nation's non-voting. Other factors may help to explain it, but none can excuse such widespread neglect of one of the basic responsibilities of the people in a democracy. The remedy for the situation lies not in forced voting, nor even in a vigorous program of inducing disinterested and uninformed persons to vote. Since a democracy is no healthier than the attitudes of the people who make it up, the only wholesome approach to a solution would seem to be to increase the actual sense of public responsibility in citizens, especially in their early formative years when dependable habits of social awareness can be developed. This of course is not a simple task; in general it may be said that the schools and colleges have yet to discover the appropriate magic formula.

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Chapter 5

NOMINATIONS AND ELECTIONS

NOMINATIONS. If the entire process of electing public officials were conducted on one election day, at least two serious disadvantages would appear. In the first place so many names on the printed ballot would confuse the average voter. Secondly, with many people running for each office the vote would be so split among the contenders that no one would be likely to receive a clear majority. To avoid these difficulties all states require a preliminary narrowing-down of the number of candidates within each party, a process known as nomination. Each party selects one candidate for each of the offices to be filled (provided, of course, there is someone willing to offer himself as a candidate). Since there are only two major parties, the result most of the time is that in the final election there are only two serious contenders--a Democrat and a Republican--for each office. Advantages of this arrangement should be apparent, especially from the standpoint of the voter, who finds it simpler to make a final choice between two candidates than among a dozen or more. In addition, there is a fair assurance that the elected candidate will have a popular majority behind him.

Various methods have been used for making nominations. Party caucus, employed long ago, has now been practically abandoned as an avowed method of putting forward candidates. It consisted of a group of influential party leaders (such as a party's members in the state legislature) meeting together ahead of the election and deciding which one candidate the party would support for each of the offices to be filled, and then letting the choice be known. This method had the big defect of being undemocratic--it excluded the rank and file of the party from any share in choosing the party's candidates. Though seldom used today for actually making nominations, the informal caucus does and will always exist as a factor behind conventions, primaries, and other decision-making processes in public affairs.

A delegate convention of the party membership was the method next used. Under this plan party mass meetings in various communities elected delegates to go to a central convention, and this convention would then choose the party's candidates. Although theoretically more democratic than the caucus, many conventions acquired a bad reputation owing to the ease with which they lent themselves to machine manipulation. Increasing in disfavor, the method began to be discarded about 1900. It is still retained on the national level for the selection of presidential and vice-presidential nominees, and finds limited nomination uses in about one-fourth of the states. Indiana, for example, nominates all its statewide candidates by convention. In Missouri conventions are employed for nominating the party's presidential and vice-presidential electors. There is some feeling throughout the country that the selection of abler candidates might be facilitated by the greater leadership possibilities inherent in the convention method.

Direct primary is the method now used in every state except Connecticut for the nomination of most party candidates for office. It consists in a special public election, regulated by state law and conducted by public officials, held a few months before the final elections. Missouri parties make almost all their nominations by this means. Excepted are those offices scheduled to be filled at some time other than the regular November elections, a few minor offices, and vacancies created after the primary by resignation or death of candidates.

While undeniably democratic, the direct primary has its shortcomings, one of which is the plurality possibility. Where three or more persons seek the same nomination the winner may come out with scarcely one-third or one-fourth of the vote. Another defect lies in the primary's obvious failure to provide leadership in the selection of candidates. Caucus and convention, whatever their faults, usually could be counted upon to put forward candidates with considerable political ability. In the primary a good stump speaker or a citizen who is generally

popular may win out over a less well-known but politically more capable competitor. In spite of these shortcomings, the direct primary will probably continue indefinitely as the principal means of making nominations in the United States.

Primaries and nominations are not mentioned in the Missouri Constitution but are covered thoroughly by statute. To seek the nomination of either major party for an office all that is necessary is that the person designate his party, file his name with the proper official, and pay the designated fee. If the office sought is larger than the bounds of a single county, filing is made with the Secretary of State; if within a county, the aspirant files with the county clerk or, in the case of certain heavily populated areas, with the board of election commissioners. If a person wishes to file as an independent, he must present a petition signed by a number of voters equal to 2% of the votes cast in the last election (either state, county, or district election, depending on the office for which he seeks to file).

FILING FOR MISSOURI PRIMARIES

(Time-limit: last Tuesday in April preceding primary)

| Office sought | Where file | Fee |
|--|--------------------|-------|
| State office | Secretary of State | \$100 |
| Senator or Representative in Congress | Secretary of State | \$50 |
| Circuit Judge | Secretary of State | \$25 |
| State Senator, if district includes more than one county | Secretary of State | \$25 |
| State Senator, if district is wholly within one county (or in St. Louis City) | County Clerk * | \$25 |
| State Representative | County Clerk * | \$5 |
| County office | County Clerk * | \$5 |

*Or board of election commissioners in St. Louis City, St. Louis County, Kansas City, Jackson County, and Clay County.

The deadline on filing is the last Tuesday in April preceding the primary. Every type of filing requires a fee. That for a party nomination is transmitted from the receiving official to the treasurer of the party's state or county committee and used by them for campaign purposes. The fee paid by an independent goes to the state or county treasurer, who turns it over to the general revenue fund. By the terms of the "full primary slate law" passed in 1953, if any party is left without a candidate for any office through the death or withdrawal of a candidate after the closing date for filing in April and up to within 15 days of the final election, the vacancy may be filled by the party committee of the county, district, or state, as the case may be.

As a result of filing, one's name appears on the official printed ballot in the August primary. As many sets of ballots are printed as there are bona fide parties--usually two. Each ballot contains the names of all persons in that party who are running for office. If six men seek the Republican nomination for Secretary of State all six names will be listed on the Republican ballot under the heading "For Secretary of State". Expenses of the primary election, including the printing of ballots and the fees for the election judges and clerks, are paid by the government, just as for the November elections.

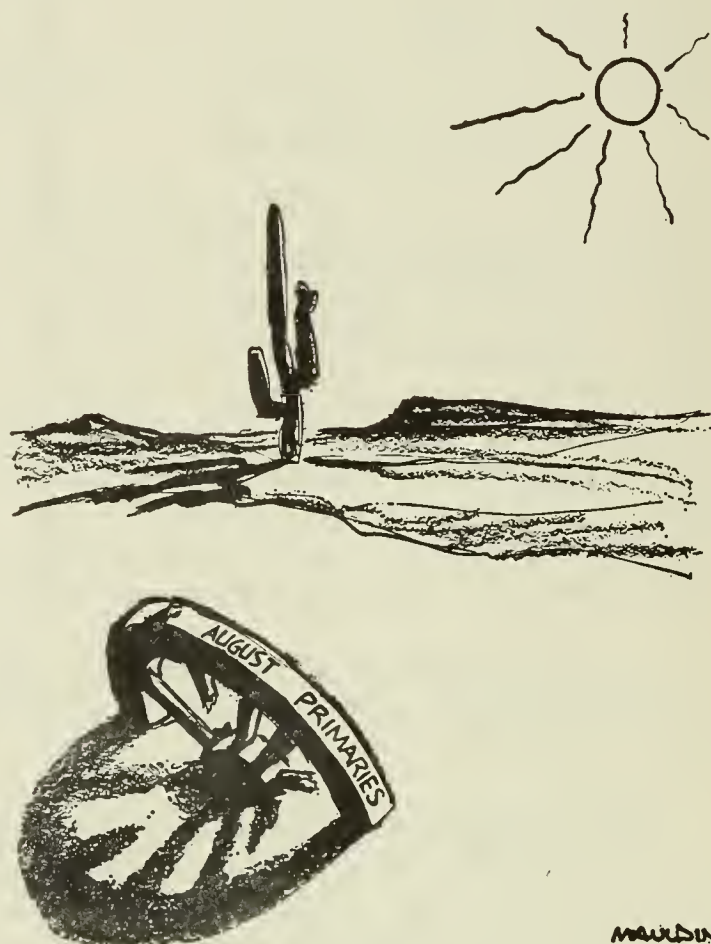
The date for Missouri's primary is the first Tuesday in August of the even-numbered years. Dissatisfaction with the inconvenient "dog-days" primary date has led to numerous and forceful proposals to change it to May, June, or even September, when voter apathy is not likely to be so pronounced. States vary in their dates for this event. Eleven hold their elections in May, eleven others in September, and nine in June. August is preferred by Missouri and seven other states--Alaska, Delaware, Kansas, Michigan, Mississippi, Tennessee, Wyoming. The few states remaining use April or July or do not have primaries at all.

Missouri, along with most other states, has what is known as a closed primary, which means that nobody except members of the party may vote that party's ballot. The would-be voter goes to the ballot table and asks for a Democratic or Republican ballot. He is handed the ballot for which he asks and no other. A party "challenger", standing nearby, may object on the grounds that the person is not identified with the party whose ballot he requests. In the face of such a challenge the would-be voter, if he still wants to vote that ballot, must take an oath stating that it is his present intention to support that party's ticket in the final election. After the oath the officials are bound to give him the ballot and let him vote. Since the oath-taking is simple and is impossible to contest afterwards, very little challenging is done in Missouri. In practice the Missouri primary is more open than closed.



ARRANGED FOR HIS CONVENIENCE

6 August 1956



RELIC OF AN OLD MISSOURI MACHINE

19 June 1961

Reproduced by permission of the St. Louis Post-Dispatch

In states using the open primary, the voter does not have to say which party he prefers when he enters the polls. An election official gives him one copy of each of the ballots, or a sheet containing them all. These he takes into the voting booth, and marks the one of his choice. If they are separate he folds all separately so that they look alike on the outside. Returning them to the election official, the voter indicates which ballot is to be put in the ballot box, and the others are destroyed. Missouri, of course, being technically a closed primary state, does not use this method, though for years there has been a vigorous movement advocating adoption of a blanket primary ballot.

After the polls are closed the vote is tallied and the winners are announced. For each office the candidate with the largest number of votes is declared to be that party's candidate. It should be remembered that a mere plurality (more votes than any other candidate), and not an absolute majority, is enough to select the nominee in Missouri.

Should a party's nominee die or resign in the interval between the primary and the fifteenth day preceding the election, the party committee (on the state, district, or county level, depending on the office) may select a substitute nominee.

ELECTIONS ON CANDIDATES AND ISSUES. At the November elections are finally chosen those men and women whom the voters wish to see occupy the various offices of government. This is the heart of the democratic process, for it is through these elected persons that "we the people" share in determining the official policies of the community. If we like the way one man has been serving us we may re-elect him, or give him a higher office if he runs for it, or vote for a man whom he has endorsed. If we do not like his policies we replace him with another who we think will pursue different policies.

The average person is not normally aware how numerous are the times and purposes of voting. The staggering numbers of government personnel are mostly appointive, but the number elected is still impressive. Not counting officials of special districts (school districts, drainage districts, etc.) the following comprise the "normal" list of elective officials who receive their mandate by direct popular vote in Missouri.

| NATIONAL | STATE | COUNTY | CITY |
|--|---|--------------------------------|------------------------|
| Electors for President and Vice President (12) | Governor | Judges of the county court (3) | Mayor |
| Senators (2) | Lieutenant-Governor | Probate judge | Councilmen or aldermen |
| Representatives (10) | State Auditor | Magistrate | Assessor |
| Delegates to state convention called to consider proposed amendments to federal Constitution (only once to date) | Secretary of State | Circuit clerk | Collector |
| | Attorney General | County clerk | Others |
| | State Treasurer | Recorder | |
| | Senators (34) | Prosecuting attorney | |
| | Representatives (163) | Sheriff | |
| | Judges (some elected outright; others elected after trial nonpartisan appointment; see chapter 15, also chart at front of book) | Assessor | |
| | | Collector | |
| | Delegates to constitutional convention (83; may occur once every 20 years) | Treasurer | |
| | | Coroner | |
| | | Public administrator | |
| | | Superintendent of Schools | |
| | | Surveyor | |
| | | Health trustees | |

Proposition Ballots

CONSTITUTIONAL BALLOT

General Election, Tuesday, November 8, 1960

CONSTITUTIONAL AMENDMENT NO. 1

(Submitted by the 70th
General Assembly)

- ☐ FOR To provide that, in the event of disaster in this state caused by enemy attack on the United States, the legislature shall convene and provide for temporary succession of all public officers and for continuity of governmental operations.
- ☐ AGAINST

CONSTITUTIONAL AMENDMENT NO. 2

(Submitted by the 70th
General Assembly)

- ☐ FOR To provide that salaries of members of the Legislature may be fixed by law; that members of the Legislature shall receive 10 cents for each mile traveled in going to and returning from their place of meeting, twice per month, and necessary expenses not to exceed \$10 per day; and that regular legislative sessions may continue until July 15 with no consideration of bills after June 30.
- ☐ AGAINST

CONSTITUTIONAL AMENDMENT NO. 3

(Submitted by the 70th
General Assembly)

- ☐ FOR To extend for twelve years the special park fund and to authorize the expenditure of such fund on historical sites as well as state parks.
- ☐ AGAINST

CONSTITUTIONAL AMENDMENT NO. 4

(Submitted by the 70th
General Assembly)

- ☐ FOR To authorize any municipality within any county having less than 400,000 population, by a 2/3 vote to become indebted, not to exceed ten per cent of the value of the taxable property in the municipality, to acquire, construct, extend or improve plants, including real estate, buildings, fixtures and machinery, to be leased or disposed of to private interests for manufacturing and industrial purposes and to authorize any municipality by a 4/7 vote to issue revenue bonds for such plants, to be so leased to private interests.
- ☐ AGAINST

JUDICIAL BALLOT

November 4, 1958

Submitting to the voters whether the Judge named below, whose term expires December 31, 1958, shall be retained in office for a new term. To vote YES, scratch ~~YES~~ To vote NO, scratch ~~NO~~

JUDGE OF THE KANSAS CITY COURT OF APPEALS

Shall Judge Elmo B. Hunter of the Kansas City Court of Appeals be retained in office?

Yes
No
(Scratch One)

OFFICIAL BALLOT

BOND ELECTION

CITY OF COLUMBIA, MISSOURI

TUESDAY, THE 8th DAY OF NOVEMBER, 1960

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place a cross (X) mark in the square opposite the word "YES"; and to vote against said proposition, place a cross (X) mark in the square opposite word "NO".

PROPOSITION

Shall the following be adopted:

Proposition to issue and sell the negotiable interest-bearing water and electric revenue bonds of the City of Columbia, Missouri, in the principal amount of Four Million Eight Hundred Thousand Dollars (\$4,800,000) for the purpose of paying part of the cost of extending and improving the electric light works constituting a part of the revenue-producing water and electric light works owned exclusively by said City, the cost of operation and maintenance of said water and electric light works and the principal of and the interest on said revenue bonds to be payable solely from the revenues derived by the City of Columbia from the operation of said water and electric light works.

YES ☐

NO ☐

We vote not only on persons, but sometimes directly on policies as well. Missouri and many other states provide that under certain conditions the voters may vote directly on constitutional amendments and laws. This is called the initiative and referendum, devices which are explained in chapter 10. Also on the local level such matters as increasing the school levy or adopting a home-rule charter may be the subject of an election. Direct voting on issues is not found on the national level.

CONSTITUTIONAL PROVISIONS. The Missouri Constitution has little to say on the subject of elections. Article VIII sets the general election date at the first Tuesday after the first Monday in November of even-numbered years, this being in conformity with the national law on congressional elections. Although the same Article gives the General Assembly power to change this date by a 2/3 vote, there is some doubt whether the power could be exercised, as far as election of national officers is concerned, in view of the congressional statute which specifies that a different date may be used only if set by the state constitution itself.

Article VIII further says who may vote, gives these persons immunity from civil arrest while voting or en route, provides for numbered and secret ballots, and empowers the General Assembly to pass laws on registration, absentee voting, and mechanical voting devices.

Beyond these general provisions the control and mechanics of elections are left to the discretion of the General Assembly. Such legislation has been enacted in great detail over the years; the entire election structure, however, needs overhauling to weed out inconsistencies and anachronisms as well as to mark out new lines of policy as in the matter of a blanket primary ballot. The special Election Laws Revision Commission, set up in 1951, recommended thoroughgoing reforms in the early months of 1953; only a few of these have been enacted, many remaining for the future.

ADMINISTRATIVE CONTROL. General control of elections in each county is lodged in the county court assisted by the county clerk, except in St. Louis City, St. Louis County, Kansas City, Jackson County, and Clay County. In these populous areas administrative control over elections is vested in bipartisan salaried boards of election commissioners appointed by the Governor for four-year terms. The work includes appointment of election judges, setting up the precincts and polling places, and provision of ballots and other equipment. The county clerk, for instance, sees that the ballots are printed, has them delivered to the various polling places, mails out and receives absentee ballots, casts up and examines the vote, corrects errors in the returns, delivers certificates of election to winners within the county, and transmits the complete election returns to the Secretary of State.

Selection of election judges is made from names submitted by each party's county committee. These judges in turn appoint the election clerks. Depending upon the size of the vote in the preceding election, each precinct will have four judges and two clerks, or six judges and four clerks. Judges and clerks must be equally divided between the two major political parties.

Responsibility for the establishment of precincts, according to one reference in the statutes, lies in the county court. Other statutory provisions assign this function, for cities of 10,000 to 100,000 population, to the city council. In practice, to avoid violating either provision, many city councils meet with their county courts and jointly take care of the matter. In the general election of 1960 there were a total of 4503 voting precincts in the state, a decrease of 36 since the 1958 election.

THE BALLOTS AND THEIR MARKING. The polls are open from 6 a.m. to 7 p.m. (or sunset, if later than 7 p.m., in rural areas and towns with less than 25,000 population). Under a Missouri law revised in 1953 every employee is entitled to a 3-hour period for voting without loss of pay, provided that request for such leave of absence is made prior to election day, and provided also that the employee does vote. The employer may designate which three hours of

Local Candidate Ballots

OFFICIAL BALLOT

Election, Tuesday, November 8, 1960

Instructions to Voters

(To cast a vote for trustees upon this ballot place a cross (X) mark in the square opposite the name of the candidate or candidates for whom you wish to vote; your vote will not be counted for any unless the cross (X) is placed opposite his name.)

FOR HOSPITAL TRUSTEES

(Vote for three candidates)

☐ KERMIT CRAWLEY

☐ JAMES W. HOURIGAN

☐ CHAS. H. TRIMBLE

OFFICIAL BALLOT

ANNUAL SCHOOL ELECTION

SCHOOL DISTRICT OF COLUMBIA

Boone County, Missouri

TUESDAY, APRIL 7, 1959

To choose by ballot two (2) directors who shall serve as members of the Board of Education of said School District for a term of three (3) years each.

(vote for two)

☐ Edwin D. Bihr

☐ Donald E. Bird

☐

☐

(Instructions to Voters: Place a cross mark (X) in the square opposite the names of your choice.)

OFFICIAL BALLOT

General Election

CITY OF FARMINGTON, MO.

Tuesday, April 4, 1961

WARD 3

For Mayor —

ORVILLE L. WOODARD

FRED L. REVOIR

For Police Judge —

GROVER H. NORMAN

PAUL RICKUS

For Marshal —

EDWARD SALING

LESLIE F. (Buck) JONES

For Alderman —

WILLIS HARRINGTON

HARRY J. SAILOR

INSTRUCTIONS TO VOTERS

Scratch the names you DO NOT wish to vote for.

the voting day may be used by employees absenting themselves for the purpose of voting. Thus if a firm's working hours are from 8 a.m. to 5 p.m., compliance with the law would be secured by allowing employees either to begin work at 9 a.m. or to quit for the day at 4 p.m.

When the voter goes to the polls his name is checked against the list of eligible voters in those areas which have registration. If he is properly registered the several ballots are given to him and he retires to one of the voting booths.

Missouri uses the "party column" type of ballot, first used by Indiana in 1889. Each party has one column running from top to bottom, containing the names of all candidates put forward by that party--one candidate for each office to be filled. These are the candidates chosen at the August primaries as described earlier. In those parts of the state where registration is required the ballots are numbered serially with detachable coupons bearing corresponding numbers.

If a voter wishes to vote a "straight ticket"--that is, for all the Democratic or all the Republican candidates--he merely places an X in the circle under the name of the party, with the result that every name in that column will receive one vote. He may wish instead to vote a "split ticket"--that is, vote for some nominees of one party and some of another party. To do this he may put the X at the top of the preferred column, and other X's beside names in other columns. Thus every person listed in the preferred column will receive one vote unless for any particular office the voter has marked a candidate in a competing column. The top circle X may be omitted, on either a straight or split ticket, in which case the ballot will count for only those candidates having X's beside their names.

When the voter has completed marking the ballot he folds it so as to conceal the marks and returns it to one of the judges. His name is recorded in the poll book beside the number which represents the total cumulative vote in the precinct up to that time. This number is penciled on the back of the ballot, and a black sticker pasted over the number. In such a condition the ballot is deposited in the ballot box and the voter leaves. For voting on issues, ballots of smaller size are provided. The proposition is stated in brief terms, and directions are given for marking. Usually the voter is required to choose between "YES" and "NO", or between "FOR" and "AGAINST".

Voting machines, in use in many cities of the country, are permitted under the Missouri Constitution if authorized by the General Assembly. In 1953 authorization was given for their use, at the discretion of the election authority, in precincts where registration is required. Machines are especially valuable in the St. Louis and Kansas City areas, where crowded voting conditions make both accuracy and speed difficult to obtain by the old method. The principal drawback is the initial cost, which runs close to \$2000 per machine, and also the problem of storage. Since the use of mechanical voting permits some consolidation of precincts and does away with the need for printed ballots (except absentee), it is possible that in heavily populated areas machines would pay for themselves over a reasonable period of time. The first mechanical voting to be used in Missouri was in the Kansas City and Jackson County elections of 6 April 1954, in which 800 machines were employed.

COUNTING, AND DECLARATION OF RESULTS. The counting of the ballots ordinarily begins an hour after the polls are opened, two of the judges taking the partly filled ballot box into another room and, with the assistance of two clerks, reading the votes aloud and tallying them in the poll books. An empty box is of course substituted in the voting room. The change of boxes and tallying of votes is kept up throughout the day, but no announcement of totals may be made to the press or to anyone else until the count is complete.

When all precincts have finished their counts, the poll books are delivered to the county clerk who, with the members of the county court, adds up the totals for the county. He mails

Primary Election Ballots

OFFICIAL BALLOT

DEMOCRATIC PARTY

Primary Election, Tuesday, August 2, 1960

NOTICE TO VOTERS: Place an X in the square opposite the name of the person for whom you wish to vote.

For Governor:

☐

JOHN M. DALTON

☐

ROY E. GLIDEWELL

☐

MILTON MORRIS

☐

GEORGE ROBERTS

☐

JAMES G. COX

For Lieutenant-Governor

☐

MICHAEL J. KENNEDY

☐

EDWARD V. LONG

☐

LEWIS E. MORRIS

☐

CHARLES C. SHAFER

For Secretary of State:

☐

S. WESLEY ALLISON

☐

LEO T. DANIELS

☐

WARREN E. HEARNES

☐

JIM (James C.) KIRKPATRICK

For State Treasurer:

☐

ALBERT S. (Al) ARENSON

☐

MILTON CARPENTER

☐

FRANK HAGGERTY

☐

JOSEPH W. MARTINO

For Attorney-General:

☐

THOMAS F. EAGLETON

☐

GEORGE A. SPENCER

For Representative in Congress: 11th District:

☐

MORGAN M. MOULDER

For State Senator: 10th District:

☐

A. BASEY VANLANDINGHAM

For Representative:

☐

SMITH N. CROWE

☐

H. F. "Pat" PATTERSON

For Judge County Court: Northern District:

☐

A. C. MUSTAIN

For Judge County Court: Southern District:

☐

CHESTER SAPP

For Prosecuting Attorney:

☐

LARRY M. WOODS

For Sheriff:

☐

THERON DUNCAN

☐

GLEN POWELL

For Assessor:

☐

W. M. FENTON

☐

EARL JORDAN

☐

PEARLIE LUKEHART

☐

ROY SAPPINGTON

☐

THOMAS W. DRANE

For Coroner:

☐

CARL H. ALMOND, M.D.

OFFICIAL BALLOT

REPUBLICAN PARTY

Primary Election, Tuesday, August 2, 1960

NOTICE TO VOTERS: Place an X in the square opposite the name of the person for whom you wish to vote.

For Governor:

☐

HARRY C. TIMMERMAN

☐

WILLIAM B. EWALD

☐

EDWARD G. FARMER, JR.

For Lieutenant-Governor

☐

HARRY E. HATCHER

☐

R. M. (Dick) BATTLES

For Secretary of State:

☐

DICK G. MONSEES

☐

JOSEPH M. BADGETT

For State Treasurer:

☐

F. P. (Ted) GRAVES

For Attorney-General:

☐

DONALD J. STOHR

For Representative in Congress: 11th District:

☐

GUSS SALLEY

☐

ROBERT A. (Bob) BARTEL

For State Senator: 10th District:

☐

ALLENE T. LAWLOR

For Representative:

☐

ALLEN T. LAWLOR

☐

JOSEPH M. BADGETT

For Judge County Court: Northern District:

☐

WARREN E. HEARNES

For Judge County Court: Southern District:

☐

MILTON CARPENTER

For Prosecuting Attorney:

☐

CHARLES R. BURT

For Sheriff:

☐

THOMAS F. EAGLETON

For Assessor:

☐

A. C. MUSTAIN

For Coroner:

☐

CHESTER SAPP

For Public Administrator:

☐

LARRY M. WOODS

For Surveyor:

☐

THERON DUNCAN

☐

GLEN POWELL

For Central Committeemen of Bourbon Township: (1 man and 1 woman to elect)

☐

RAY STREETER

☐

MRS. CREOLA MASON

For Central Committeemen of Cedar Township: (1 man and 1 woman to elect)

☐

PEARLIE LUKEHART

☐

ROY SAPPINGTON

☐

THOMAS W. DRANE

For Coroner:

☐

CARL H. ALMOND, M.D.

General Election Ballot

OFFICIAL BALLOT

DEMOCRATIC PARTY

GENERAL ELECTION, TUESDAY, NOVEMBER 8, 1960

NOTICE TO VOTERS: Place an X in the square opposite the name of the person for whom you wish to vote.

For Governor:

☐

JOHN F. KENNEDY

☐

LYNDON B. JOHNSON

For Lieutenant-Governor:

☐

HILARY A. BUSH

For Secretary of State:

☐

WARREN E. HEARNES

For State Treasurer:

☐

MILTON CARPENTER

For Attorney-General:

☐

THOMAS F. EAGLETON

For Representative in Congress: 11th District:

☐

MORGAN M. MOULDER

For State Senator: 19th District:

☐

A. BASEY VANLANDINGHAM

For Representative:

☐

H. F. (PAT) PATTERSON

For Judge County Court: Northern District:

☐

A. C. MUSTAIN

For Judge County Court: Southern District:

☐

CHESTER SAPP

For County Clerk (unexpired term):

☐

GEORGE C. HARPER

For Governor:

☐

EDWARD G. FARMER, JR.

For Lieutenant-Governor:

☐

HARRY E. HATCHER

For Secretary of State:

☐

JOSEPH M. BADGETT

For State Treasurer:

☐

F. P. (TED) GRAVES

For Attorney-General:

☐

DONALD J. STOHR

For Representative in Congress: 11th District:

☐

ROBERT A. (BOB) BARTEL

For State Senator: 19th District:

☐

For Representative:

☐

ALLENE T. LAWLOR

For Judge County Court: Northern District:

☐

For Judge County Court: Southern District:

☐

For County Clerk (unexpired term):

☐

RUSSELL SLOAN

For President and Vice-President:

☐

{ JOHN F. KENNEDY
LYNDON B. JOHNSON

☐

{ RICHARD M. NIXON
HENRY CABOT LODGE

For United States Senator—(unexpired term)

☐

EDWARD V. LONG

☐

LON HOCKER

For Governor—

☐

JOHN M. DALTON

☐

EDWARD G. FARMER, JR.

For Lieutenant-Governor—

☐

HILARY A. BUSH

☐

HARRY E. HATCHER

For Secretary of State—

☐

WARREN E. HEARNES

☐

JOSEPH M. BADGETT

For State Treasurer—

☐

MILTON CARPENTER

☐

F. P. (TED) GRAVES

For Attorney-General—

☐

THOMAS F. EAGLETON

☐

DONALD J. STOHR

For Representative in Congress: 11th District—

☐

MORGAN M. MOULDER

☐

ROBERT A. (BOB) BARTEL

For State Senator: 19th District—

☐

A. BASEY VANLANDINGHAM

☐

For Representative—

☐

H. F. (PAT) PATTERSON

☐

ALLENE T. LAWLOR

For Judge County Court: Northern District—

☐

A. C. MUSTAIN

☐

For Judge County Court: Southern District—

☐

CHESTER SAPP

☐

For County Clerk (unexpired term)—

☐

GEORGE C. HARPER

☐

RUSSELL SLOAN

For President and Vice-President:

☐

{ JOHN F. KENNEDY
LYNDON B. JOHNSON

☐

{ RICHARD M. NIXON
HENRY CABOT LODGE

For United States Senator—(unexpired term)

☐

EDWARD V. LONG

☐

LON HOCKER

For Governor—

☐

JOHN M. DALTON

☐

EDWARD G. FARMER, JR.

For Lieutenant-Governor—

☐

HILARY A. BUSH

☐

HARRY E. HATCHER

For Secretary of State—

☐

WARREN E. HEARNES

☐

JOSEPH M. BADGETT

For State Treasurer—

☐

MILTON CARPENTER

☐

F. P. (TED) GRAVES

For Attorney-General—

☐

THOMAS F. EAGLETON

☐

DONALD J. STOHR

For Representative in Congress: 11th District—

☐

MORGAN M. MOULDER

☐

ROBERT A. (BOB) BARTEL

For State Senator: 19th District—

☐

A. BASEY VANLANDINGHAM

☐

For Representative—

☐

H. F. (PAT) PATTERSON

☐

ALLENE T. LAWLOR

For Judge County Court: Northern District—

☐

A. C. MUSTAIN

☐

For Judge County Court: Southern District—

☐

CHESTER SAPP

☐

For County Clerk (unexpired term)—

☐

GEORGE C. HARPER

☐

RUSSELL SLOAN

| | |
|--|---|
| <input type="checkbox"/> For Public Administrator: RUSSELL M. BRADLEY | <input type="checkbox"/> For Central Committeemen of Centralia Township: (1 man and 1 woman to elect) R. E. AUSMUS, SR. |
| <input type="checkbox"/> For Surveyor: HARRIS B. DICKEY | <input type="checkbox"/> For Central Committeemen of Columbia Township: (1 man and 1 woman to elect) MARJORIE NELSON |
| <input type="checkbox"/> For Central Committeemen of Bourbon Township: (1 man and 1 woman to elect) DON C. CARTER | <input type="checkbox"/> For Central Committeemen of Perche Township: (1 man and 1 woman to elect) RICHARD C. McDONNELL |
| <input type="checkbox"/> For Central Committeemen of Cedar Township: (1 man and 1 woman to elect) JUANITA BENSON | <input type="checkbox"/> For Central Committeemen of Missouri Township: (1 man and 1 woman to elect) MILDRED S. CHRISTIAN |
| <input type="checkbox"/> For Central Committeemen of Derwood Garrett MRS. CARROLL H. SAPP | <input type="checkbox"/> For Central Committeemen of Anton Bellman PRISCILLA STEWART |
| <input type="checkbox"/> For Central Committeemen of Centralia Township: (1 man and 1 woman to elect) CARROLL N. BRYSON | <input type="checkbox"/> For Central Committeemen of Rocky Fork Township: (1 man and 1 woman to elect) ESTILL BOTNER |
| <input type="checkbox"/> For Central Committeemen of Columbia Township: (1 man and 1 woman to elect) WARREN WELIVER | <input type="checkbox"/> For Central Committeemen of Eunice Botner WM. H. REINHARDT |
| <input type="checkbox"/> For Central Committeemen of Missouri Township: (1 man and 1 woman to elect) DAVID DRAKE | <input type="checkbox"/> For Central Committeemen of Centralia: (1st Ward) (1 man and 1 woman to elect) MRS. MILLER H. FINK |
| <input type="checkbox"/> For Central Committeemen of Perche Township: (1 man and 1 woman to elect) LYNN DRANE | <input type="checkbox"/> For Central Committeemen of Centralia: (2nd Ward) (1 man and 1 woman to elect) JOHN D. WESTLUND |
| <input type="checkbox"/> For Central Committeemen of Rocky Fork Township: (1 man and 1 woman to elect) FRANK L. "Bud" ELKIN | <input type="checkbox"/> For Central Committeemen of Centralia: (3rd Ward) (1 man and 1 woman to elect) ARTHUR L. KALIPS |
| <input type="checkbox"/> For Central Committeemen of Tilford Goslin MRS. ANNA MCKENZIE | <input type="checkbox"/> For Central Committeemen of Columbia: (1st Ward) (1 man and 1 woman to elect) WILLIAM E. WYATT |
| <input type="checkbox"/> For Central Committeemen of Centralia: (1st Ward) (1 man and 1 woman to elect) ARCHIE D. ELLIS | <input type="checkbox"/> For Central Committeemen of Columbia: (2nd Ward) (1 man and 1 woman to elect) RUSSELL A. CHAMBERS |
| <input type="checkbox"/> For Central Committeemen of Centralia: (2nd Ward) (1 man and 1 woman to elect) JOE C. TURNER | <input type="checkbox"/> For Central Committeemen of Columbia: (3rd Ward) (1 man and 1 woman to elect) MRS. WILLIE L. AUSTIN |
| <input type="checkbox"/> For Central Committeemen of Centralia: (3rd Ward) (1 man and 1 woman to elect) AUBREY L. STIDHAM | <input type="checkbox"/> For Central Committeemen of Columbia: (4th Ward) (1 man and 1 woman to elect) ROY D. MILLER |
| <input type="checkbox"/> For Central Committeemen of Centralia: (1st Ward) (1 man and 1 woman to elect) GENEVIEVE BARNTHOUSE | <input type="checkbox"/> For Central Committeemen of Columbia: (1st Ward) (1 man and 1 woman to elect) M. STANLEY GINN |
| <input type="checkbox"/> For Central Committeemen of Centralia: (2nd Ward) (1 man and 1 woman to elect) NELLO LAWRENCE DONATI | <input type="checkbox"/> For Central Committeemen of Columbia: (2nd Ward) (1 man and 1 woman to elect) HELEN BAIRD |
| <input type="checkbox"/> For Central Committeemen of Centralia: (3rd Ward) (1 man and 1 woman to elect) MRS. PAULINE YOEST | <input type="checkbox"/> For Central Committeemen of Columbia: (3rd Ward) (1 man and 1 woman to elect) MRS. FRED VENRICK |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) WALDO PALMER | |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) MRS. MARGARET GILL | |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) FRED A. LAMBERT | |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) JOSEPHINE HOPPER | |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) EDMOND M. BROWN | |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) TOM M. DOUGLASS | |
| <input type="checkbox"/> For Central Committeemen of Centralia: (4th Ward) (1 man and 1 woman to elect) HELEN OLDHAM | |

| | |
|---|--|
| <input type="checkbox"/> For Prosecuting Attorney-- LARRY M. WOODS | <input type="checkbox"/> For Prosecuting Attorney-- CHARLES R. BURT |
| <input type="checkbox"/> For Sheriff-- GLEN POWELL | <input type="checkbox"/> For Sheriff-- |
| <input type="checkbox"/> For Assessor-- THOMAS W. DRANE | <input type="checkbox"/> For Assessor-- |
| <input type="checkbox"/> For Coroner-- RICHARD JOHNSON | <input type="checkbox"/> For Coroner-- |
| <input type="checkbox"/> For Public Administrator-- RUSSELL M. BRADLEY | <input type="checkbox"/> For Public Administrator |
| <input type="checkbox"/> For County Surveyor-- HARRIS B. DICKEY | <input type="checkbox"/> For County Surveyor-- |

INSTRUCTIONS TO VOTERS

A vote for names of candidates for president and vice-president is a vote for the electors of that party, the names of whom are on file with the secretary of state.

On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting booths so provided, and shall prepare his ballot for voting in the following manner:

Should the voter desire to vote a "straight" party ticket he shall place a cross (X) mark in the circle immediately below the party name.

If the voter desires to vote for one or more candidates on more than one party ticket, by voting what is commonly called a "split ticket" he may place a cross (X) mark in the circle immediately below one party name and mark cross(X) marks in the squares at the left of the names of candidates on other tickets for whom he wishes to vote; if the voter desires to vote for one or more candidates whose name or names do not appear on the printed ballot he may do so by drawing a line through the printed name of candidate for such office, and writing below such canceled name the name of person for whom he desires to vote, and placing a cross mark in the square at the left of such name. The squares so marked shall take precedence over the cross marked in the circle.

Where there are two or more candidates for like office in a group, a cross (X) mark in the square to the left of a candidate's name automatically votes against the candidate whose name appears within the same horizontal lines in the column under the circle in which appears the cross (X) mark, unless the voter indicates another candidate to be voted against by drawing a line through such candidate's name.

All candidates of the party whose circle is marked shall be counted as voted for excepting where squares are crossed preceding the names of the candidates in other columns. If two or more candidates for the same office are thus designated, neither shall be counted. If the cross (X) is not placed in the circle immediately below the party name at the head of the column, but does appear in the squares opposite the various candidates' names, then only these names shall be counted for, and none other. A cross (X) mark is any line crossing any other line at any angle within the voting space, and no ballot shall be declared void because a cross (X) mark therein is irregular in form.

It shall not be lawful to deface or tear a ballot in any manner nor to erase any printed name (except as provided above in this section), figure, word or letter therefrom, nor to erase any mark made thereon by such voter, nor enclose in the folded ballot any other paper or any article. If the voter deface or tear a ballot, or wrongly mark the name or make an erasure therein, he may obtain one additional ballot on returning to a judge in charge of the ballots the one so defaced or wrongly marked.

A ballot placed in the ballot box without any marks shall not be counted. Ballots shall be counted only for the person for whom the marks thereon are applicable; when a voter shall place a mark against two or more names for the same office, and only one candidate is to be chosen for the office, none of the candidates shall be deemed to have been voted for and the ballots shall not be counted for either such candidate.

Before leaving the booth the voter shall fold his ballot in such a manner as to conceal his marks thereon. He shall mark his ballot without undue delay. He shall then hand the ballot to the judge of election selected to take ballots. The voter shall quit and leave said enclosed place as soon as possible. (11603, A. 1949 H. B. 2049)

an official "certificate of election" to every person winning a local office, and forwards the various totals polled in the county by the different candidates to the Secretary of State. The latter, on receiving all county reports, makes a statewide tally and declares the winners for the state offices.

IS THE BALLOT SECRET? The numbering of the ballots by pencil, and the recording of the voter's name beside this number in the poll book, have led to the complaint that Missouri does not have a secret ballot. It should be remembered, however, that the ballot number is covered with the black seal, and that the seal cannot legally be removed except by court order for the purpose of disposing of a fraudulent ballot. This system has the advantage of making possible a correction in the election returns by subtracting the votes in the fraudulent ballot from the total votes of the candidates affected. It must be admitted, however, that the system is subject to abuse by unscrupulous election officials who, although it is a penitentiary offense, may venture to find out how a particular person voted. Growing dislike of the possibility of such abuse would indicate that the numbering system eventually will be abandoned.

Another possible violation of secrecy arises from the circumstances that absentee ballots are counted and announced separately from the main vote. In an extremely close election where a few absentee ballots have the effect of changing the previously announced result, it may be apparent how the absentee voters, whose names may easily be determined, have cast their ballots (see p. 38). This can be remedied by merging and counting the absentee ballots with all other ballots on election day, but to do this would require new legislation which the General Assembly has not yet seen fit to enact.

IS THE BALLOT CONFUSING? The party-column type of ballot which Missouri uses is about as simple as any yet invented for the election of persons to public office. But the ballots devised for propositions are not quite so consistent nor are they always clearly explained. In 1953 a law was passed which did away with the clumsy "scratching" feature of ballots for municipal bond elections and for St. Louis school tax and bond elections. This is a much needed improvement. But "scratching" is still retained for the vote on judges in the nonpartisan court system, a situation which can be remedied only by a constitutional amendment since the present form of the judicial ballot is specified in the Constitution itself (Article V, Section 29c).

Sample proposition ballots are reproduced in this chapter. The technical language of some of these ballots and lack of the personal element cause thousands of voters either to mark them incorrectly or else to ignore them. In the November 1960 elections nearly two million Missourians voted for candidates for President, but only a little over half this number cast votes on the state constitutional amendment proposals submitted at the same time.

IS THE BALLOT TOO LONG? The so-called "long ballot" invites two principal criticisms. One criticism is that the large number of decisions demanded of the voter at a single election make it difficult for him to become fully enough informed to make wise choices for many of the offices. One remedy would be to schedule the elections more frequently with fewer offices to be filled each time. Another approach would be to make many offices appointive rather than elective. Increasing the number and frequency of elections would be costly both in public expenditures and in the time of citizens, and would not be popular. Making some presently elective offices appointive instead (such as Attorney General, Secretary of State, State Treasurer, circuit judges, and most of the county offices) has a great deal of logic and experience to commend it, especially judging from federal experience. But on the state and local levels people seem to feel that electing many officials somehow insures a better quality of democracy.

A second criticism of the long ballot is aimed at the confusion of issues resulting from the pileup of national, state, and local elections at the same time. Problems on these levels more often than not are distinct, and voters should have an opportunity to consider the issues

and candidates of each level on their merits. Many local and state officials have ridden to victory on the coattails of a national party wave. The state elections, at least, might be detached from the magnetic field of the presidential race if the principal executive officers (Governor, Lieutenant Governor, Secretary of State, State Treasurer, and Attorney General) were elected in the "off-years" instead of the leap years. There is some real hope that a constitutional amendment in this direction might succeed in Missouri, as it has been urged by various elements of the press and public.

REMOVAL OF OFFICERS. Once elected to public office in Missouri a person may be removed through death, resignation, or impeachment, or through having appointed a kinsman to a state job.

Impeachment provisions are stated in Article VII, Sections 1-5, of the Constitution. They apply to "All elective executive officials of the state, and judges of the supreme court, courts of appeal and circuit courts". Causes for impeachment are stated to be "crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude, or oppression in office".

Impeachment charges are brought by the House of Representatives, which also acts as prosecutor. The trial is normally conducted before the Supreme Court, but if it is the Governor or a member of the Supreme Court who is being impeached the court will consist of a special commission of seven prominent jurists elected by the Senate. The punishment resulting from impeachment cannot extend beyond removal from office. The official thus removed may still be tried in the regular courts, however, if he has done something for which an ordinary person may be prosecuted or sued. Impeachments are extremely rare.

In Article VII, Section 6, nepotism is declared to be grounds for automatic removal. When any public officer or employee appoints a kinsman by blood or marriage "within the fourth degree" to a public job, he "shall thereby forfeit his office or employment".

Missouri, along with about three-fourths of the states of the Union, does not use for state officials the device known as the "recall"--a special election to take a man out of office before the end of his term. The nearest to this in Missouri is the election of judges under the nonpartisan court plan (Article V, Section 29), where the voters are asked whether the judge shall be retained after he has had a year or so in office. This is not properly a "recall", since a resulting "NO" vote would not remove him prior to the close of his appointive or previously elective term; the "NO" would merely mean that he would not enter upon a full new term after the close of his current one.

REFERENCES

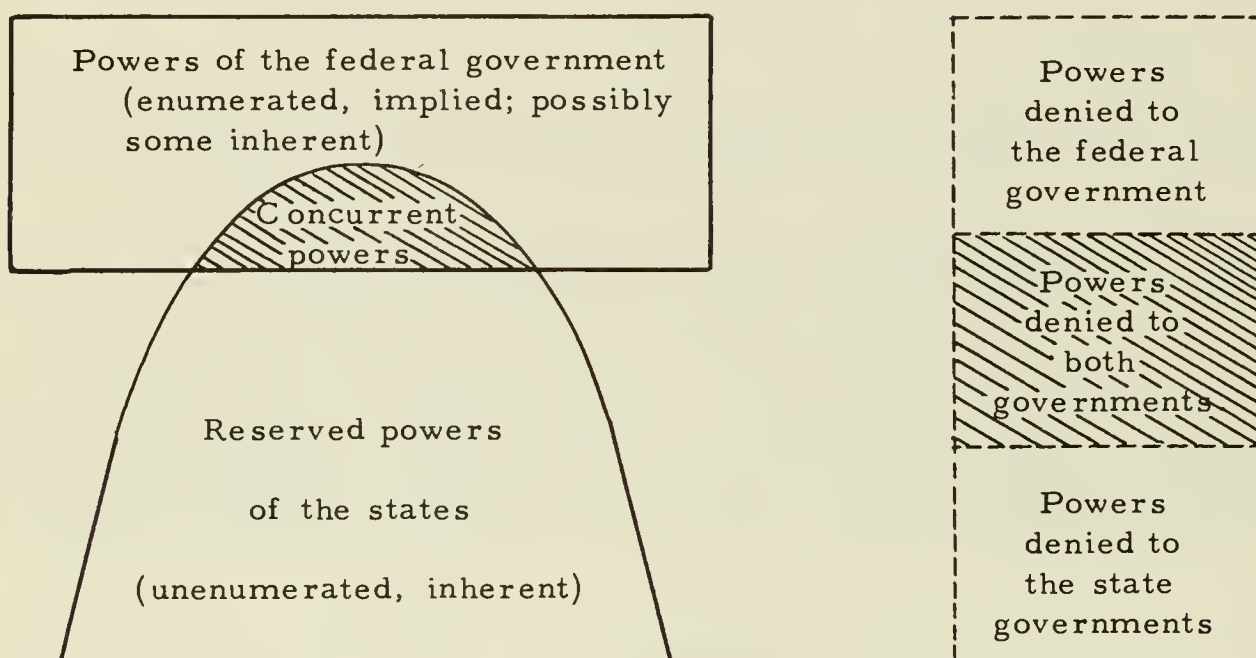
- McCandless, Carl A., Manual on Suffrage and Elections for the Missouri Constitutional Convention of 1943. (Second part of a combined publication, the first part being Harry B. Kies, Manual on the Bill of Rights.) 1943.
- Missouri Voters' Handbook. St. Louis: League of Women Voters of Missouri, 1958.
- Official Manual of the State of Missouri. Jefferson City: Secretary of State, issued biennially in even-numbered years. Sections on "General Election Returns" and "Primary Election Returns."
- Official Returns of the Primary Election of the State of Missouri. Jefferson City: Secretary of State, issued biennially after the primary election.
- Roster of State, District, and County Officers of the State of Missouri. Jefferson City: Secretary of State, issued biennially in odd-numbered years.

Chapter 6

GENERAL ASSEMBLY: POWERS

The United States has a federal form of government, which means that matters of national interest are handled by the national government and matters of state and local interest are handled either by the state governments or by their authorized subdivisions. Actually it is not quite as simple as this, as there are many exceptions and overlappings. In addition, the federal Constitution contains clauses which deny certain powers to the federal government, certain others to the state governments, and still others to both governments. The basic distribution of powers is indicated by the 10th Amendment to the federal Constitution, which reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

DISTRIBUTION OF POWERS, FEDERAL AND STATE



The simplest approach to identifying the particular powers of the Missouri legislature which are free from federal control might be to draw up four lists: (1) a list of the powers of Congress (since any power given to the federal Congress is either removed from the states or made superior to any similar power of the states); (2) a list of powers permitted to the states with the consent of Congress; (3) a list of powers which the federal Constitution denies to the states; and (4) a list of powers which the Missouri Constitution denies to the Missouri legislature. What remains after these four lists have been compiled will be the powers, reserved and undefined, which lie within the province of the Missouri General Assembly. The four lists follow.

PRINCIPAL ENUMERATED (CONFERRED, LISTED)
LEGISLATIVE POWERS OF CONGRESS

(Federal Constitution, at
Article and Section designated)

Regulate federal elections. (I-4)
Lay and collect taxes for national purposes. (I-8)
Borrow money on national credit. (I-8)
Regulate interstate and foreign commerce, and commerce with the Indians. (I-8)
Naturalize foreigners. (I-8)
Regulate bankruptcy. (I-8)
Coin money and regulate its value. (I-8)
Fix standards of weights and measures. (I-8)
Punish counterfeiting. (I-8)
Establish post offices and post roads. (I-8)
Grant copyrights and patents. (I-8)
Establish federal courts below the Supreme Court. (I-8)
Define and punish offenses on the high seas and against international law. (I-8)
Declare and conduct war (including raising, equipping, and governing the armed forces). (I-8)
Organize and call forth the state militia for national purposes. (I-8)
Govern the District of Columbia and all other federal-owned places. (I-8)
Determine the time of choosing presidential electors, and the time the electors shall cast their vote. (II-1)
Provide for succession to the presidency. (II-1)
Designate who may appoint inferior officers. (II-2)
Define the Supreme Court's appellate jurisdiction. (III-2)
Designate place of trial for offenses not committed within any state. (III-2)
Declare the punishment for treason. (III-3)
Implement the full-faith-and-credit clause by prescribing the manner in which the public acts and records of the states may be proved. (IV-1)
Admit new states to the Union. (IV-3)
Share in approving junction of two or more states or parts of states. (IV-3)
Dispose of and govern the territory and property of the United States. (IV-3)
Propose amendments to the Constitution, call a constitutional convention at the request of the states, and designate the method of ratification by the states. (V)
Prevent slavery and involuntary servitude. (A13)
Define the privileges and immunities of United States citizenship. (A14)
Prevent states from depriving persons of life, liberty, and property without due process of law. (A14)
Prevent states from denying persons the right to vote because of race or sex or other illegitimate reason. (A14, A15, A19)
Levy income taxes without apportionment according to population. (A16)

POWERS PERMITTED TO THE STATES
IF CONGRESS CONSENTS

(Federal Constitution, Art. I, Sec. 10)

Levy import, export, and tonnage duties.
Keep troops and warships in time of peace.
Make compacts with other states and foreign nations.
Engage in war.

POWERS DENIED TO THE STATES BY THE FEDERAL CONSTITUTION

(Art. I, Sec. 10; Amendments 13, 14, 15, 19)

Enter into a treaty, alliance, or confederation.
Grant letters of marque and reprisal (now out of date).
Coin money, issue paper money, or make anything legal tender except gold and silver coin.
Pass a bill of attainder or ex post facto law.
Impair the obligation of contracts.
Grant a title of nobility.
Create or permit slavery or involuntary servitude.
Abridge the privileges and immunities of U.S. citizens.
Deprive any person of life, liberty, or property without due process of law.
Deny to any person the equal protection of the laws.
Pay any debt incurred in aid of a rebellion against the United States.
Prevent a person from voting, for any reason other than being below age 21, an alien, or a criminal. (More accurately, additional disfranchisements are permitted with penalty, the penalty being reduction of the state's congressional representation. So widespread among the states, however, are the additional disfranchisements--for insanity, illiteracy, and other factors, some of which are quite reasonable--that the penalty has never yet been applied.)

POWERS DENIED TO THE LEGISLATURE BY THE MISSOURI CONSTITUTION

(Art. I, Bill of Rights; Art. III, Secs. 36-44)

Any violation of the Bill of Rights. (The lengthy list of rights which are free from legislative interference has already been noted in chapter 2.)
Incur any debt except (1) to refund outstanding bonds, and (2) for a temporary emergency on the recommendation of the Governor and not to exceed \$1,000,000 for one year.
Give any public money, property, or credit for private purposes except for public calamity, old age assistance, direct relief, servicemen's benefits, general human rehabilitation, and aid to dependent and crippled children and the blind.
Grant extra pay to governmental officers or contractors after their service has been performed.
Pay any claim resulting from a contract not authorized by law.
Cancel any debt owing to the state, without compensation.
Pay any of the Civil War Debt of Missouri.
Consider any measure, when called in special session, other than that for which the Governor called the session.
Change the capital from Jefferson City.
Authorize lotteries.
Levy a sales tax on anything paid for out of local government funds.
Pass any local or special law. (30 types of these are prohibited. The purpose is to prevent the singling out of any particular person, corporation, or area in the state for special treatment. Special treatment for certain areas like St. Louis and Kansas City is of course all right provided the law is drawn so as to apply to all cities or counties falling under the classification terms of the law.)
Tax or otherwise interfere with federal-owned lands and property in Missouri.
Levy a larger tax against land owned by out-of-state persons than against land owned by Missouri citizens.
Fix the rate of interest for a particular money-lending class or group.

Having in mind the exclusions and prohibitions contained in the four lists given above, what is left is the appropriate area of legislative activity of the Missouri General Assembly. A moment's reflection will reveal that this remaining area cannot easily be crystallized into a list of specific powers. As times change, new powers will necessarily arise to meet new needs. The only restriction is that none of the powers may be exercised in violation of the various pre-emptions and limitations set forth in the previous lists.

In spite of the indefinite nature of the reserved powers of the states it is nevertheless helpful to attempt to draw up a temporary list which, without pretending to be exhaustive, will still suggest the principal powers of the Missouri General Assembly today. It must be remembered that even the powers on this tentative list can be exercised only within proper limits. For instance, there is no single power of any state legislature which could be legally exercised if one of the results would be to take away a person's life, liberty, or property without due process of law (14th Amendment to the federal Constitution). With these reservations, the following is suggested as a tentative current list of the powers possessed by the Missouri legislature and exercisable at its discretion.

PRINCIPAL POWERS OF THE MISSOURI GENERAL ASSEMBLY

The "police power", or the power to pass any law promoting the public health, safety, peace, morals, and welfare. Examples: set minimum wages, prohibit child labor, prohibit gambling, require vaccination. By its very definition the police power is so broad as to include a large segment of the state's powers. Various of the items which follow are examples of the police power, or can be used to give expression to it.

Define crimes and their punishment, and administer penal and correctional institutions.

Establish and maintain hospitals and health programs.

Provide for education.

Grant licenses for practicing the professions.

Regulate marriage and divorce.

Regulate the taking of fish, game, and other natural resources of the state.

Encourage and regulate agriculture.

Regulate the conditions of labor, and safeguard the interests of laborers.

Incorporate business firms, banks, and public utilities, and regulate their activities.

Enact laws for counties, cities, towns, villages, and other subdivisions of the state.

Regulate elections.

Regulate the courts.

Maintain the militia.

In addition to the above, some special functions are assigned to the General Assembly by either the federal or the state Constitution:

Make appropriations according to law.

Draw up new boundaries for congressional districts and judicial circuits.

Submit to the people proposed amendments to the state Constitution.

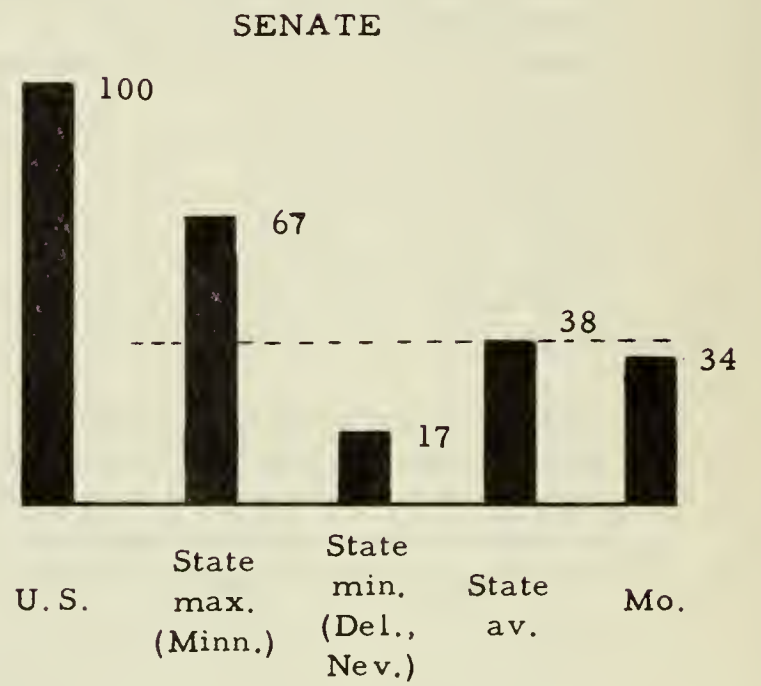
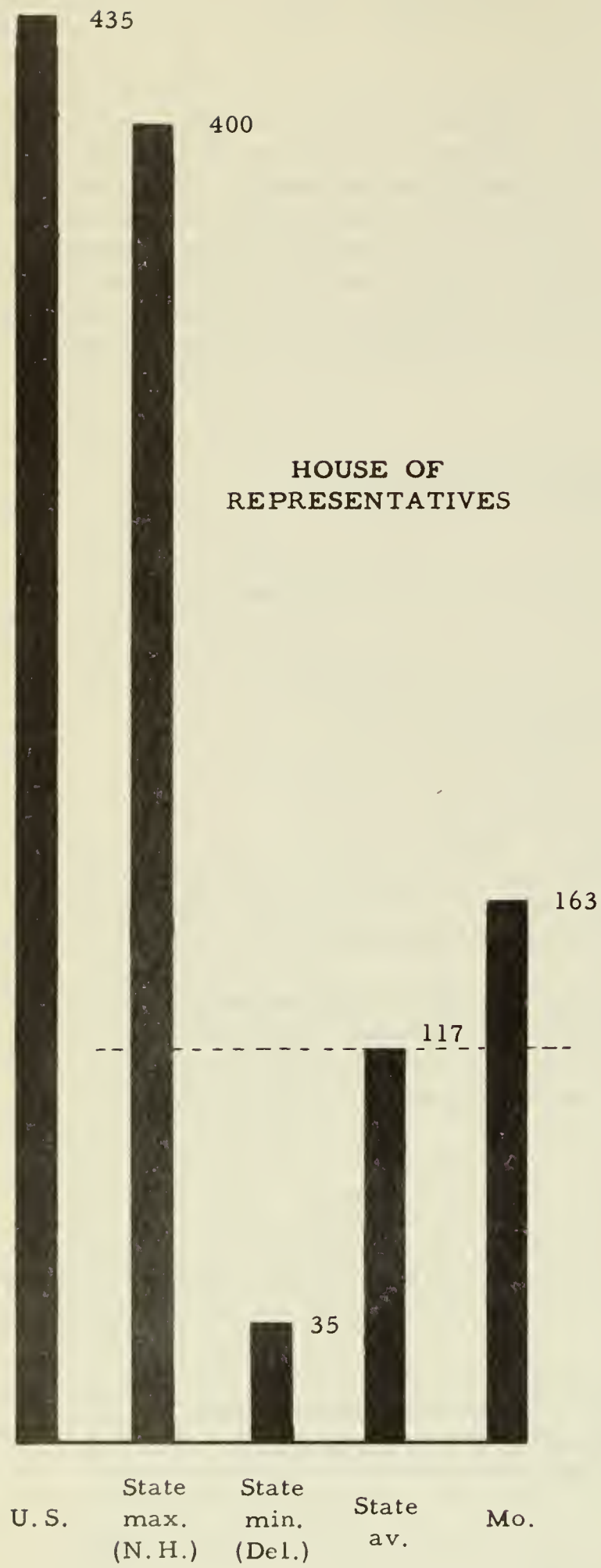
Act on proposed federal constitutional amendments.

Act as an agency of impeachment.

REFERENCES

(See end of chapter 9.)

SIZE OF LEGISLATIVE CHAMBERS



Chapter 7

GENERAL ASSEMBLY: REPRESENTATION

The three principal branches of Missouri's government are the legislative which makes the laws, the executive which carries them out, and the judicial which decides disputes involving the laws. These three functions of government are assigned to separate groups of officials, the purpose being not only to promote efficiency in government but also to prevent concentrating too much power in the hands of any one group. Each of Missouri's constitutions (1820, 1865, 1875, 1945) has specifically devoted a brief paragraph to declaring the principle of separation of powers. Article II of the present Constitution reads:

The powers of government shall be divided into three distinct departments--the legislative, executive and judicial--each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

Of the three branches of government, the legislative is the most fundamental in the sense that it makes the laws with which the other two branches must deal. A state with wise laws will very likely have a reasonably well-working government, for the laws are bound in general to reflect public opinion, a condition to which administrators and courts are usually sensitive. Democracy, in other words, envisages "a government of laws and not of men". Laws are but a set of rules drawn up so that society may know in advance some of the necessary conditions of joint living. There are two chief sets of these rules--the Constitution and the statutes. The latter must always conform to the former. If a Missouri statute conflicts with a provision in either the Missouri Constitution or the federal Constitution, the courts will not recognize the statute. It is the subject of lawmaking to which this chapter and the next three are devoted.

BICAMERALISM. "General Assembly of the State of Missouri" is the official name of Missouri's legislature. The body has two chambers or houses--a larger one called the House of Representatives, and a smaller one called the Senate (sometimes referred to as the "upper house"). The federal Congress and the legislatures of all other states except Nebraska are likewise bicameral.

Since a bill must be passed by both houses before it becomes a law, this double gantlet is thought to be a guard against hasty or radical laws. A second advantage claimed is that two houses permit two kinds of representation--population and geography. As a matter of fact, the chief explanation for bicameralism in the states seems to be more a copying of the national structure than an expectation of obtaining specific benefits. In this connection it should be recalled that the federal Congress was established as a bicameral body because of the historical necessity of compromising between small and large states, a condition which did not prevail inside any one of the 50 states prior to its entry into the Union. If it is argued that the extra check is still needed, it may be pointed out that the Governor's veto, as well as the initiative and referendum, are available checks against unwise or hasty legislative action. A one-house system, some argue, might offer such advantages as definite location of responsibility, economy in operation, and increased prestige of legislators.

Various persons and organizations have for a long time advocated unicameralism. A proposed constitutional amendment to this end was defeated by the voters in November 1944 by

POPULATION (1950 CENSUS) AND PARTY COMPLEXION (1958, 1960)
OF OLD SENATORIAL DISTRICTS

| District | 1950 population of district | Variation from base quotient 116,313 (maximum variation permitted, 25%) | | How district voted for Senator in 1958 (even) and 1960 (odd) | |
|---------------|-----------------------------------|--|--------------------------|---|-----------|
| | | % "Under- represented" | % "Over- represented" | % Dem. | % Rep. |
| 1.) | | | | 1. 54.0 | |
| 2.) | | | | 2. 69.0 | |
| 3. St. Louis | average | | | 3. 68.2 | |
| 4. City | 122,400. | 5.2 | | 4. 73.4 ** | |
| 5.) | | | | 5. 84.0 | |
| 6.) | | | | 6. 75.9 | |
| 7.) | | | | 7. 83.7 | |
| 8.) | | | | 8. 72.4 | |
| 9. Jackson | average | | | 9. 66.7 | |
| 10. County | 135,259. | 16.3 | | 10. 57.2 | |
| 11.) | | | | 11. 66.4 | |
| 12. | 104,992. | | 9.7 | 12. | 100 * |
| 13.) | | | | 13. 51.3 | |
| 14. St. Louis | average | | | 14. 57.2 | |
| 15. County | 135,450. | 16.5 | | 15. 53.5 | |
| 16. | 121,128. | 4.1 | | 16. 57.2 | |
| 17. | 136,687. | 17.5 | | 17. 56.8 | |
| 18. | 117,961. | 1.4 | | 18. 100 * | |
| 19. | 103,207. | | 11.3 | 19. 100 * | |
| 20. | 108,744. | | 6.5 | 20. 50.0 | |
| 21. | 112,931. | | 2.9 | 21. 100 * | |
| 22. | 124,479. | 7.0 | | 22. 52.6 | |
| 23. | 115,983. | | 0.3 | 23. 100 * | |
| 24. | 92,986. | | 20.1 | 24. 100 * | |
| 25. | 118,531. | 1.9 | | 25. 100 * | |
| 26. | 94,814. | | 18.5 | 26. | 51.1 |
| 27. | 93,790. | | 19.4 | 27. 100 * | |
| 28. | 87,559. | | 24.7 | 28. 51.3 | |
| 29. | 95,052. | | 18.3 | 29. | 100 * |
| 30. Greene | 104,823. | | 9.9 | 30. | 52.7 |
| 31. | 110,785. | | 4.8 | 31. 51.3 | |
| 32. | 111,771. | | 3.9 | 32. | 54.2 |
| 33. | 97,433. | | 16.2 | 33. | 56.1 |
| 34. Buchanan | 96,826. | | 16.8 | 34. 73.3 ** | |

* No contest
** Special election

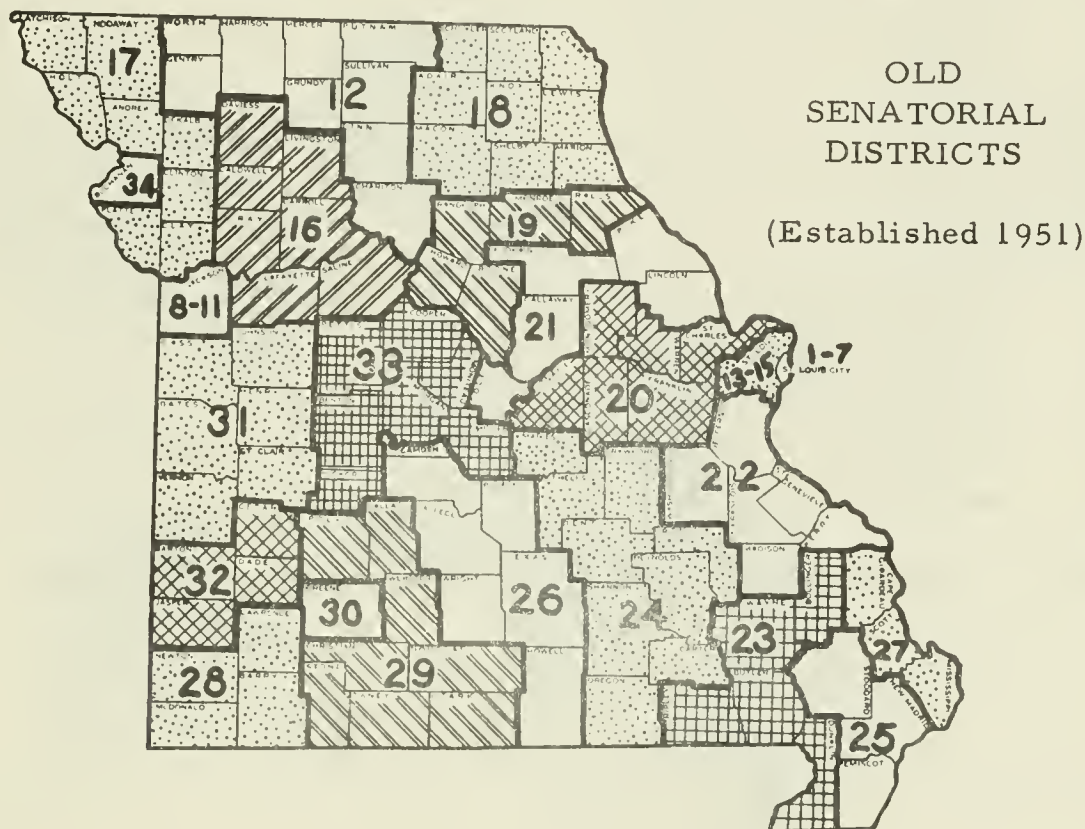
the fairly close vote of 364,794 to 401,900. Even had the amendment been adopted the bicameral system would have been restored by the terms of the new Constitution approved in the following February. The movement for a change will probably continue, though it cannot be said that there is an aroused public sentiment on the matter. The experience of Nebraska, which inaugurated unicameralism in 1937, will help to show what may be expected from a one-house legislature; thus far the experiment in that state has proved little either way.

SIZE OF THE CHAMBERS. A legislative chamber needs to be large enough to get its work done (by division into the necessary committees), to represent the main interests and viewpoints in the state, and to keep the individual legislator's district down to wieldy proportions. On the other hand it should not be so large as to stifle debate and tie up other aspects of legislative procedure. Meeting all these requirements is a difficult task, as Representatives in the United States Congress well know.

No state chamber is as big as the national House. New England states tend to have the larger houses of representatives due to the practice of representing individual towns. Missouri's 163 (effective 1963), though above the all-state average, may be considered within an efficient size range. The Missouri Senate of 34 members has no problems from the standpoint of debate and procedure, though with that small a membership multiple committee assignments with their attendant problems are inevitable. How is each of the Missouri chambers constituted?

MEMBERSHIP IN THE SENATE. The state is divided on the basis of population into 34 senatorial districts, each of which elects one Senator. The size of the Senate does not fluctuate, being set constitutionally at the figure 34. Hence senatorial districts may need redrawing after every federal census in the event of any considerable change in the numbers and location of the population. It may be noted that representation in Missouri, where the Senate is based on population and the House of Representatives is based roughly on geographical areas, is the reverse of the situation in Congress.

Redistricting is done by a special 10-member commission appointed by the Governor. The state committee of each major political party submits a list of ten names, from each of which list the Governor selects five to form the commission. The Constitution specifies that,



POPULATION (1960 CENSUS) OF NEW SENATORIAL DISTRICTS
ESTABLISHED 1961

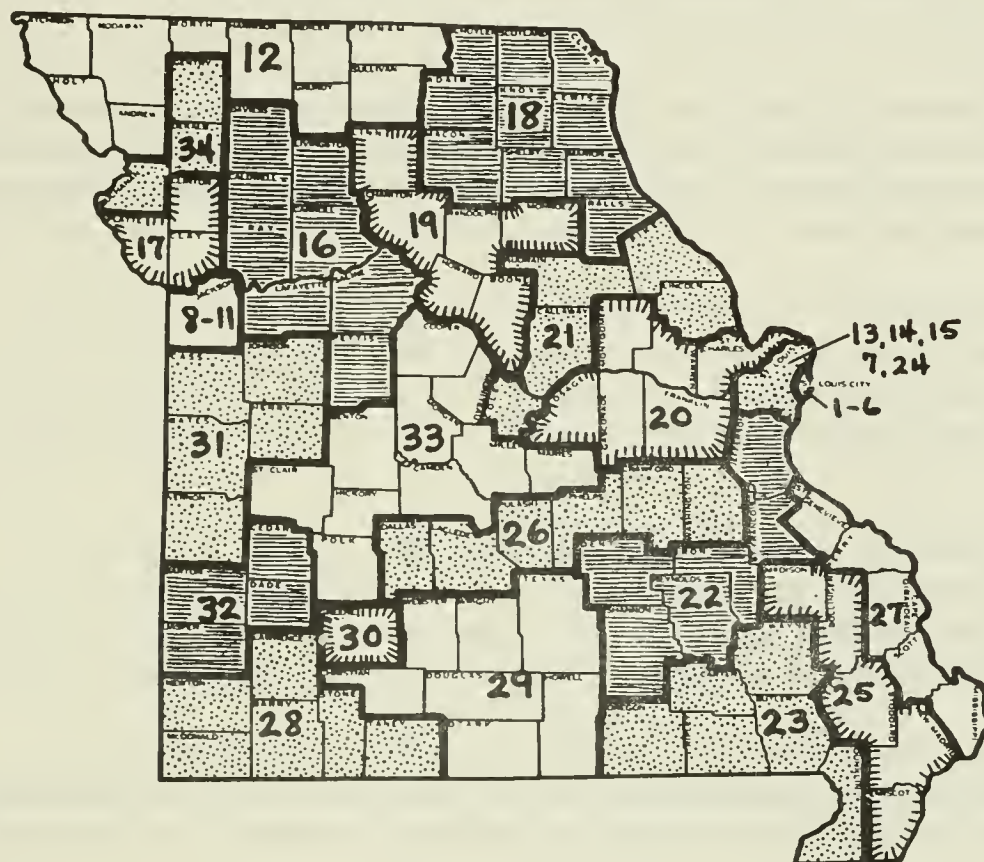
| District | 1960 population of district | Variation from base quotient 127,053 (maximum variation permitted, 25%) | |
|---|-----------------------------------|--|--------------------------|
| | | % "Under- represented" | % "Over- represented" |
| 1. } 2. } 3. St. Louis 4. } City 5. } 6. } 7. } | average 125,004. | 1.6 | |
| 13. } 14. St. Louis 15. } County 24. } | average 140,706. | 10.7 | |
| 8. } 9. Jackson 10. } County 11. } | average 155,683. | 22.5 | |
| 12. | 99,666. | 21.5 | |
| 16. | 149,567. | 17.7 | |
| 17. | 122,412. | 3.7 | |
| 18. | 121,044. | 4.7 | |
| 19. | 128,298. | 1.0 | |
| 20. | 140,445. | 10.5 | |
| 21. | 122,187. | 3.8 | |
| 22. | 133,627. | 5.2 | |
| 23. | 105,347. | 17.1 | |
| 25. | 117,468. | 7.5 | |
| 26. | 127,261. | 0.2 | |
| 27. | 122,221. | 3.9 | |
| 28. | 102,486. | 19.3 | |
| 29. | 96,477. | 24.1 | |
| 30. Greene . . . | 126,276. | 0.6 | |
| 31. | 114,354. | 10.0 | |
| 32. | 106,738. | 16.0 | |
| 33. | 101,049. | 20.5 | |
| 34. | 106,600. | 16.1 | |

in redrawing the boundary lines, no district may vary by more than 25% from the quotient of the state's population divided by the number 34. Districts must follow county lines except where a county is entitled to more than one Senator, in which case it is the duty of the county court (board of election commissioners for St. Louis City, and county council for St. Louis County) to subdivide the county into districts as compact and equal in population as possible. The accompanying table shows how the senatorial redistricting, made after the census of 1950, conformed to the limits prescribed by the Constitution. Charges of gerrymandering, always to be expected, were made with regard to some of the districts, particularly those in St. Louis City and St. Louis County. As a result of litigation the Missouri Supreme Court in November 1955 declared the seven St. Louis City districts to be unconstitutional and void, the first anti-gerrymandering decision by the Court under the Constitution of 1945 (Preisler v. Doherty, 364 Mo. 596, 265 S.W.2d, 405). New districts for the city were accordingly established in January 1956 by the St. Louis board of election commissioners.

Nevertheless an effective gerrymander remained, with party representation distorted out of all proportion to the popular vote. The largest strength of the Democrats in the 1960 election was in the vote for Governor, where they polled 58% of the vote. The Senate, however, came up with 82% of the Senate seats--28 as compared with the Republican 6. Disregarding party lines and looking only at population distribution, the gerrymander showed up in another striking way: the 18 least populated senatorial districts (Nos. 12, 16, 18-21, and 23-34, all outside the metropolitan areas of St. Louis and Kansas City) constituted a determinative majority of the Senate's 34 members, yet represented only 22% of the state's population.

In 1961 the senatorial redistricting commission reshuffled the districts on the basis of the 1960 census figures. The result still represents something of a gerrymander though not as extreme as formerly, and the underrepresentation of the two metropolitan areas (except for the City of St. Louis) is about as bad as ever.

Senators are elected for 4-year terms, with an overlapping arrangement by which half the terms expire every two years. The odd-numbered districts hold their elections in leap years, and the even-numbered districts two years later. When the Senate meets after a new



NEW SENATORIAL DISTRICTS

(Established 1961)

election there are thus at least 17 Senators who are "old hands" at the business. Since in addition there will always be some who are re-elected from former terms, there is considerably more stability about the Senate than the House, which elects all its membership every two years. Vacancies caused by death or resignation are filled by special election called by the Governor.

Qualifications for Senator are that he be at least age 30, a qualified voter of Missouri for three years preceding election, and a resident of the district for one year preceding election. During his term of office he cannot hold any other governmental position--national, state, or local--unless it be in the militia or the reserve corps, or on a school board, or as a notary public. He may not be sued for anything he says during the course of debate in the General Assembly. He is free from arrest during legislative sessions and for 15 days before and after, "in all cases except treason, felony, or breach of the peace" (Constitution, Article III, Section 19). According to a ruling of the Attorney General in 1953, speeding and running a stop sign do not constitute "breach of the peace"; hence legislators presumably are immune from arrest for such traffic violations.

MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES. Representatives are apportioned on a county basis, with some adjustment in the case of heavily populated areas. The formula for determining this is set forth in Article III, Section 2, of the Constitution, and operates as follows:

$$\frac{\text{Population of Missouri}}{200} = \text{ratio of representation}$$

The number of Representatives for each county is determined by first finding out how many times this ratio can be contained in its population, and then applying the following schedule:

| | |
|---|-------------------|
| For less than $2\frac{1}{2}$ ratios | 1 Representative |
| For $2\frac{1}{2}$ ratios | 2 Representatives |
| For 4 ratios | 3 Representatives |
| For 6 ratios | 4 Representatives |
| For $8\frac{1}{2}$ ratios | 5 Representatives |
| And so on, giving one additional Representative for each additional $2\frac{1}{2}$ ratios contained in the county's population. | |

Where a county is entitled to several Representatives, the county court (or board of election commissioners as the case may be) divides the county into districts, each district electing one Representative. Membership in the House, based on the 1960 census and apportionment (see population map at back of book), is as follows:

| | |
|-------------------------------------|------------|
| St. Louis City | 15 |
| St. Louis County | 14 |
| Jackson County | 13 |
| Buchanan County | 3 |
| Clay County | 3 |
| Greene County | 3 |
| Boone County | 2 |
| Jasper County | 2 |
| Jefferson County | 2 |
| All other counties 1 each | <u>106</u> |
| Total | 163 |

It should be clear that this system definitely does not pretend to allot Representatives strictly on a population basis. Heavily populated counties are proportionately much less rep-

resented than are the thinly populated ones. Worth County, for instance, has one Representative for its 3936 persons. St. Charles County has one Representative for its 52,970, a figure just under the $2\frac{1}{2}$ ratios required for a second Representative, but more than thirteen times the population of Worth County. The 29 Representatives from the St. Louis area (City and County) are 18% of the total House membership, yet the population of St. Louis City and St. Louis County comprises 34% of the state's population. The Kansas City area (Jackson and Clay counties) has 16 Representatives, or 10% of the House membership, yet makes up 16% of the population of the state. Conversely 82 counties having barely one-fifth of the population of the state hold the constitutional majority necessary (82) to pass a bill.

The obvious intent of the constitutional provision is to represent primarily not population but counties, with only a token adjustment for counties having large concentrations of population. This is the way the people of Missouri by constitutional provision have deliberately established representation in one chamber. Viewed in this light, and without passing on the wisdom of the arrangement, the Missouri House of Representatives, like the United States Senate, can be called "unrepresentative" only if one specially defines the term to mean "unrepresentative of population numbers." Many states of the Union, with similar metropolitan concentrations, have devised formulas for giving relatively stronger representation to the outstate areas.

It still may not be impertinent to suggest that a less intricate and more "representative" plan could be devised which would not too greatly alter the present complexion of the House of Representatives and yet be more defensible from the standpoint of logic and more equitable in the eyes of the big cities. If the figure 115 (the actual number of counties including the City of St. Louis) were used instead of 200 for determining the ratio of representation, and each county were allotted as many Representatives as its population would contain ratios, with the guarantee of at least one for every county, the result would have much to commend it. Such a plan, based on the 1960 census, would give St. Louis City 19, St. Louis County 18, Jackson County 16, Greene County 3, Buchanan and Clay and Jasper Counties 2 each, and the other 108 counties one each, for a total of 170 as compared with the present 163. Future large increases in the state's population would of course have the effect of expanding the total size of the House faster than under the present scheme. A chamber of even 200 members would not be unwieldy.

House members are elected for 2-year terms at the regular biennial elections occurring in the even-numbered years. Vacancies (as through death or resignation) are filled by special elections called by the Governor. Criticism of the shortness of the term is occasionally heard, as the frequent campaigning for re-election constitutes a definite distraction in the continuity of the legislative process. Nearly all states, including Alaska, use the 2-year term, preferring a biennial checkup on their legislators. A possible compromise plan would be an overlapping 4-year term as used in the Senate. The gain in continuity would of course have to be weighed against the inability of half the counties to make a change when public opinion had shifted.

Qualifications for Representative are that he be at least 24 years of age, a qualified voter of Missouri for two years before election, and a resident of the county or district for one year before election. A representative has the same privileges and immunities as a Senator, and may not hold another official position (except militia, reserve corps, school board, or notary public) while in the legislature.

THE PAY OF LEGISLATORS. Senators and Representatives receive a salary of \$4800 per year, plus a maximum expense allowance of \$10 for every day the first roll call is answered during a regular or special session. In addition, mileage is paid at the rate of \$1 for each ten miles traveled in going to and returning from the legislature twice a month.

Prior to 1961 the salary was set at \$125 per month by the Constitution. An amendment adopted in November 1960 allowed the legislature to set its own salary, following the practice of Congress. At a special session in December called for the purpose by Governor Blair, the

SOME DATA ON MISSOURI LEGISLATORS, 1937 - 1960

(Senate membership: 34. House membership: 150 through 1946; 154 from 1947 through 1952; 157 after 1952)

| General Assembly | | Leading Occupations | | Predominating age groups | Some college education | No legislative experience prior to current term |
|------------------|------|---------------------|---------|--------------------------|------------------------|---|
| | | Law | Farming | | | |
| 59th | Sen. | 17 | 7 | 40s, 50s | 28 | 11 |
| (1937-1938) | Rep. | 35 | 35 | 40s, 30s | 103 | 59 |
| 60th | Sen. | 17 | 5 | 40s, 50s | 28 | 3 |
| (1939-1940) | Rep. | 42 | 32 | 40s, 30s | 96 | 51 |
| 61st | Sen. | 20 | 2 | 40s, 50s | 27 | 6 |
| (1941-1942) | Rep. | 35 | 39 | 40s, 50s, 30s | 103 | 60 |
| 62nd | Sen. | 17 | 6 | 50s, 40s | 31 | 0 |
| (1943-1944) | Rep. | 37 | 46 | 60s, 40s, 50s | 117 | 80 |
| 63rd | Sen. | 17 | 6 | 50s, 40s | 24 | 8 |
| (1945-1946) | Rep. | 27 | 30 | 50s, 40s | 99 | 73 |
| 64th | Sen. | 17 | 5 | 40s, 50s | 26 | 4 |
| (1947-1948) | Rep. | 33 | 32 | 60s, 50s, 40s | 108 | 55 |
| 65th | Sen. | 19 | 2 | 40s | 26 | 7 |
| (1949-1950) | Rep. | 26 | 35 | 40s, 60s | 106 | 64 |
| 66th | Sen. | 16 | 3 | 40s | 25 | 6 |
| (1951-1952) | Rep. | 31 | 37 | 40s, 50s | 100 | 59 |
| 67th | Sen. | 18 | 5 | 40s, 50s | 24 | 11 |
| (1953-1954) | Rep. | 31 | 34 | 50s, 60s | 102 | 45 |
| 68th | Sen. | 18 | 4 | 40s, 50s | 24 | 5 |
| (1955-1956) | Rep. | 30 | 35 | 50s, 40s, 30s | 92 | 47 |
| 69th | Sen. | 20 | 3 | 40s, 50s | 25 | 7 |
| (1957-1958) | Rep. | 28 | 39 | 50s, 30s, 40s | 78 | 42 |
| 70th | Sen. | 20 | 2 | 40s, 50s | 27 | 3 |
| (1959-1960) | Rep. | 26 | 52 | 50s, 40s, 60s | 77 | 46 |

Source: Official Manual of the State of Missouri for appropriate years.
Full data on some legislators not available.

General Assembly set the figure at \$4800, which puts Missouri eighth highest among the states. Those states paying more are New York (\$10,000, effective 1964), Illinois (\$8000), California (\$6000), Pennsylvania (\$6000), Massachusetts (\$5200), New Jersey (\$5000), and Ohio (\$5000). While these figures are not lavish, many of the remaining states put a miserable price tag on the services of their legislators.

CHARACTERISTICS OF LEGISLATORS. Missouri's lawmakers are much like their counterparts in other states of this region. The largest occupational groups are lawyers and farmers, with a general scattering over the other occupations. A study of the last twelve General Assemblies in Missouri (see accompanying table) reveals that lawyers generally constitute more than half of the Senate, but only about 1/5 of the House membership. Farmers make up only a small part of the Senate, but from 1/5 to 1/4 of the House. Most legislators are in their 40s and 50s, with little difference discernible between the two houses over a long period. In any one General Assembly very few Senators will be without previous legislative experience, while about 1/4 to 1/3 of the Representatives will have had some college education.

REFERENCES

(See end of chapter 9.)

Chapter 8

GENERAL ASSEMBLY: ORGANIZATION

SESSIONS. According to Article III, Section 20, of the Constitution, the General Assembly "shall meet in regular sessions on the first Wednesday after the first day of January following each general election". Since elections occur in the even-numbered years, legislative sessions thus begin in January of the odd-numbered years. Temporary recesses may be taken by either house, but cannot be for longer than ten days without the consent of the other chamber. Special sessions may be called by the Governor whenever he thinks necessary; such sessions are limited to the consideration of matters suggested by the Governor.

By constitutional amendments adopted in 1952 and 1960 (text at back of book) all sessions of the legislature, whether regular or special, end automatically on a certain calendar date unless the legislature voluntarily terminates them sooner. The 1952 amendment set the limit of a regular session at midnight on May 31 of odd-numbered years, and confined special sessions to sixty calendar days. The 1960 amendment lengthened the regular session to July 15, but provided that no further legislative business could be conducted beyond June 30 except final formalities on bills passed prior to June 30. The new amendment left the life of special sessions at sixty calendar days.

Prior to 1952 the indefinite session would drag on and on, with skimpy attendance and discouraging delays, through a large part of the biennium. Proponents of the 1952 amendment argued that a cut-off date would encourage the General Assembly to do its work promptly and economically, would offer a more restricted field for lobbying activities, and would better enable public attention to focus on the legislative process. The experience of Missouri and some thirty other states which impose time limits on legislative sessions does not bear out the arguments of efficiency, economy, lobby curtailment, and sustained public interest. Nor is there any evidence that the quality of the legislative product is any better for being squeezed through in a shorter period of time. Under the new arrangement in Missouri the traditional last-minute jam remains, the evils of conference committees persist, unripe draftsmanship is often in evidence, and the General Assembly may reasonably expect to be called back once or twice into special session to cope with matters not disposed of in the regular session.

A span of six months out of 24 is hardly long enough for the legislature to come to grips with the problems of an entire biennium. Since special sessions are confined in their deliberations to matters submitted by the Governor, this latter official is in a position to dominate the legislative program of the state for 18 months out of every 24. Moreover, the inevitable log-jam incident to the six-month session means that much if not most of the important legislation of the state is passed within the last two weeks of the session, and over these bills the Governor has an absolute veto, there being no present means for the General Assembly to override such action after adjournment. Such a predominance of the gubernatorial office over the legislative process seems hardly compatible with the principle of separation of powers.

Inherent infirmities of the 1952 plan showed up immediately in 1953, when important bills perished in the log-jam of late May, and when subsequently two special sessions had to be called. The situation was worse in May of 1955, whereupon the General Assembly voted to submit to the voters a proposed constitutional amendment setting up a schedule of annual sessions. Under this proposal sessions would begin each year on the Wednesday after January 1st. The one in odd-numbered years would last not later than June 30th; the one in even-numbered years would last not later than the end of February and would be restricted to the consideration of revenue and appropriation measures. A final provision in the new arrangement would call the

General Assembly back into session after adjournment for the consideration of gubernatorial vetoes which otherwise would have killed absolutely the measures to which they were applied. The entire proposition carried hope for a realistic solution of the sessions problem, but it was defeated by a vote of almost two to one on 6 November 1956, there being an especially strong objection to the mandatory veto sessions.

Though some measure of relief was achieved in 1960 by lengthening the regular session from five months to six and a half months, the basic problem of too little time for too big a job remains. Logic would seem to point to a pattern of annual sessions beginning in January. These might last as long as needed (the congressional plan), or be stopped at a designated calendar date, or be limited to say 150 legislative days. Any of these, put into an annual frame, would be a significant step forward. The difficult task of enacting the state's legislative program would be eased, the need for special sessions would practically vanish, and a balance between legislature and Governor would be somewhat restored. Nineteen states have annual sessions, including Alaska and Hawaii. The trend is definitely in this direction.

OFFICERS OF THE HOUSE OF REPRESENTATIVES. The Speaker is the principal officer in the House of Representatives. He and his substitute, the Speaker Pro Tem, are nominated by the majority party caucus, and are formally elected by the House when the session opens in January.

The duties of the Speaker are to preside over the sessions of the House, to conduct them according to the adopted rules of parliamentary procedure, to appoint the committees and their chairmen, and to sign all official actions of the House. He is a key figure in the mechanism of the majority party. The power to appoint the standing committees and their chairmen is important and can be used by its wielder to help shape legislation along lines desired by the party or by himself. This particular power of appointment is not possessed by the Speaker of the national House of Representatives. The governorship devolves on the Speaker upon the death or disability of the Governor, Lieutenant Governor, and President Pro Tem of the Senate, respectively.

The Speaker Pro Tem normally presides in the absence of the Speaker. The latter may appoint his own substitute, however, if he expects to be absent for no longer than two days; he occasionally employs this opportunity as a means of honoring a fellow member.

Other officers of the House of Representatives, chosen by the chamber but not members of it, are:

- Chief clerk (in charge of records, documents, and calendar)
- Assistant chief clerk
- Reading clerk (reads bills and communications to the House)
- Clerk on bills perfected (also called perfecting or engrossing clerk--sees that copies of bills are properly typed and printed after being amended by the House)
- Clerk on bills agreed to and finally passed (also called enrolling clerk--sees to printing of bills in their final form; positions of perfecting and enrolling clerks are sometimes combined)
- Sergeant-at-arms
- Doorkeeper
- Postmaster
- Chaplain

The Constitution specifies (Article III, Section 17) that the total number of officers and employees of the House of Representatives shall not exceed 125.

OFFICERS OF THE SENATE. The Constitution invests the Lieutenant Governor with

PARTY DIVISION AND TOP OFFICERS IN MISSOURI GENERAL ASSEMBLY, 1901 - 1962

| General Assembly | Senate | | | House of Representatives | |
|------------------|----------------|--|----------------|--------------------------------------|--|
| | Party division | President Pro Tem | Party division | Speaker | |
| 41st (1901-02) | D-25 R-9 | Frank H. Farris (D), Steelville | D-88 R-51* | James H. Whitecotton (D), Paris | |
| 42nd (1903-04) | D-26 R-8 | Thomas L. Rubey (D), LaPlata | D-84 R-58 | James H. Whitecotton (D), Paris | |
| 43rd (1905-06) | D-23 R-11 | Emmett B. Fields (D), Linneus | D-60 R-82 | David W. Hill (R), Poplar Bluff | |
| 44th (1907-08) | D-23 R-11 | F.M. McDavid (D), Springfield | D-82 R-60 | John M. Atkinson (D), Doniphan | |
| 45th (1909-10) | D-24 R-10 | G.W. Humphrey (D), Shelbyna | D-68 R-74 | Alfred A. Speer (R), Chamois | |
| 46th (1911-12) | D-22 R-12 | Frank W. McAllister (D), Paris | D-83 R-59 | John T. Barker (D), LaPlata | |
| 47th (1913-14) | D-25 R-9 | Francis M. Wilson (D), Platte City | D-113 R-28 † | James H. Hull (D), Platte City | |
| 48th (1915-16) | D-26 R-8 | Carter M. Buford (D), Ellington | D-76 R-65 † | James P. Boyd (D), Paris | |
| 49th (1917-18) | D-26 R-8 | John F. Morton (D), Richmond | D-78 R-64 | Drake Watson (D), New London | |
| 50th (1919-20) | D-22 R-12 | Walter C. Goodson (D), Macon | D-67 R-75 | S.F. O'Fallon (R), Oregon | |
| 51st (1921-22) | D-15 R-19 | Howard Gray (R), Carthage | D-38 R-104 | S.F. O'Fallon (R), Oregon | |
| 52nd (1923-24) | D-19 R-15 | William R. Painter (D), Carrollton | D-83 R-67 | Oak Hunter (D), Moberly | |
| 53rd (1925-26) | D-22 R-12 | William R. Painter (D), Carrollton | D-71 R-79 | Jones H. Parker (R), St. Louis | |
| 54th (1927-28) | D-21 R-13 | Nick T. Cave (D), Fulton | D-71 R-79 | E.H. Winter (R), Warrenton | |
| 55th (1929-30) | D-19 R-15 | M.E. Casey (D), Kansas City | D-43 R-103 | Jones H. Parker (R), St. Louis | |
| 56th (1931-32) | D-19 R-15 | Lon S. Haymes (D), Springfield | D-86 R-64 | Eugene W. Nelson (D), Hannibal | |
| 57th (1933-34) | D-27 R-7 | Michael Kinney (D), St. Louis | D-140 R-10 | Willis H. Meredith (D), Poplar Bluff | |
| 58th (1935-36) | D-32 R-2 | Phil M. Donnelly (D), Lebanon | D-102 R-48 | J.G. Christy (D), Festus | |
| 59th (1937-38) | D-31 R-3 | Albert M. Clark (D), Richmond | D-105 R-45 | J.G. Christy (D), Festus | |
| 60th (1939-40) | D-31 R-3 | Joseph H. Brogan (D), St. Louis †† | D-98 R-52 | J.G. Christy (D), Festus | |
| 61st (1941-42) | D-28 R-5 | Frank P. Briggs (D), Macon | D-85 R-65 | Morris E. Osburn (D), Shelbyville | |
| 62nd (1943-44) | D-17 R-17 | Frank P. Briggs (D), Macon | D-55 R-95 | Howard Elliott (R), St. Louis | |
| 63rd (1945-46) | D-15 R-19 | M.C. Matthes (R), Hillsboro | D-69 R-81 | Howard Elliott (R), St. Louis | |
| 64th (1947-48) | D-15 R-19 | M.C. Matthes (R), Hillsboro | D-54 R-100 | Murray E. Thompson (R), Marshfield | |
| 65th (1949-50) | D-19 R-15 | Emery W. Allison (D), Rolla | D-94 R-60 | Roy Hamlin (D), Hannibal | |
| 66th (1951-52) | D-21 R-13 | William M. Quinn (D), Maywood | D-86 R-68 | Roy Hamlin (D), Hannibal | |
| 67th (1953-54) | D-18 R-16 | Michael Kinney (D), St. Louis | D-72 R-85 | L.A. Vonderschmidt (R), Mound City | |
| 68th (1955-56) | D-19 R-15 | Edward V. Long (D), Clarksville | D-97 R-60 | Roy Hamlin (D), Hannibal | |
| 69th (1957-58) | D-21 R-13 | Floyd R. Gibson (D), Independence | D-93 R-64 | Roy Hamlin (D), Hannibal | |
| 70th (1959-60) | D-26 R-8 | Floyd R. Gibson (D), Independence | D-112 R-45 | Richard H. Ichord (D), Houston | |
| 71st (1961-62) | D-28 R-6 | Albert M. Spradling, Jr. (D), Cape Girardeau | D-100 R-57 | Thomas D. Graham (D), Jefferson City | |

* And one Populist.

† And one Progressive.

†† Succeeded by Phil M. Donnelly (D), Lebanon, for special session in 1940.

the title "President of the Senate". As such he presides over that body, recognizing speakers, ruling on points of order, and generally conducting the business according to the Senate's own rules of parliamentary law. He joins in debate only on matters of procedure, and votes only in case of a tie. All official papers of the Senate are signed by him. Whenever there are joint sessions of the House and Senate it is he who presides.

At the beginning of the session the Senate elects from its own number a President Pro Tem to preside in the absence of the Lieutenant Governor. As in the case of the House Speaker, the selection is made in advance by the majority party caucus, then formally approved by Senate vote at the opening of the session. The President Pro Tem has the important duty of making up the membership roster for the standing committees and designating their chairmen. He succeeds to the governorship in case of the death or incapacity of both the Governor and the Lieutenant Governor.

In addition to the President and the President Pro Tem, the Senate selects from outside its own membership other officers with duties similar to their counterparts in the House of Representatives:

- Secretary (in charge of records, documents, and calendar)
- Clerk on bills perfected (engrossing clerk)
- Clerk on bills agreed to and finally passed (enrolling clerk)
- Sergeant-at-arms
- Doorkeeper
- Chaplain

The constitutional limit of the number of officers and employees of the Senate is 75 (Article III, Section 17).

COMMITTEES. As with all other state legislatures and the national Congress, the Missouri General Assembly uses a system of committees for studying and reporting on proposed legislation in advance of debate on the floor. Bills are assigned to committee on the basis of subject-matter, the various categories being listed in the rules of each house. Each committee studies the bills referred to it, holds hearings, and in due course reports many of them back to its chamber with recommendations of one sort or another. Committee membership includes representation of both political parties, the proportion being roughly two to one in favor of the majority party. Chairmen are always of the majority party. In addition to these committees, special committees are appointed for temporary purposes such as investigations and funerals, and there are three permanent joint committees which will be noted later.

The Senate of the 71st General Assembly (1961-1962) had 27 standing committees, not far from the all-state average. There is not a great spread in the size of Senate committees, but the "housekeeping" committees (Accounts, Assignments and Clerical Force; Bills Agreed To and Finally Passed; Bills Perfected and Ordered Printed; Rules and Joint Rules) are generally smaller than the others. The President Pro Tem makes all the appointments, including the chairmen. He may consult members, party friends, outside groups, but when the final roster is made up it is the President Pro Tem and not the party organization which assumes responsibility for it.

The principle of seniority is only slightly a factor in the distribution of chairmanships. For seniority to work well there need to be considerably more non-freshman majority members than there are committees, also a high degree of re-election to the legislature, and finally a widespread holdover in committee assignments. While these conditions prevail in Congress they are not commonly found in Missouri or the states generally. Seniority is thus not deliberately avoided in Missouri, but simply cannot easily operate within existing conditions.

In the 71st General Assembly one Senator held three chairmanships, four Senators held two, and sixteen others one each. The 27 Senate committees, with their membership numbers, were as follows:

| | |
|---|--|
| Accounts, Assignments and Clerical Force (8) | Insurance (9) |
| Agriculture (11) | Judiciary (13) |
| Appropriations (15) | Labor (9) |
| Aviation, Water, Industrial and Natural Resources (9) | Local Government (9) |
| Banks and Banking and Financial Institutions (11) | Mental Health (9) |
| Bills Agreed To and Finally Passed (5) | Municipal Corporations, Railroads and Private Corporations (9) |
| Bills Perfected and Ordered Printed (5) | Public Health and Welfare (13) |
| Conservation, Parks and Forestry (9) | Roads and Highways (11) |
| Correctional Institutions (11) | Rules and Joint Rules (8) |
| Criminal Jurisprudence (11) | Salaries, Resolutions and Miscellaneous Bills (7) |
| Economics and Major Expenditures (15) | State Departments (11) |
| Education (13) | Ways and Means (13) |
| Elections, Military, Veteran and Naval Affairs (9) | Workmen's Compensation (11) |
| Employment Security (11) | |

One of the above committees, that on Economics and Major Expenditures, was new in the 71st General Assembly. Its unique function, as stated in Senate Rule 26 setting up the standing committees, is to "consider all bills which require new appropriations and expenditures of state money or which may affect the economic condition of the state or any subdivision thereof, and shall thereafter refer any such bill, together with its recommendations, to an appropriate Senate standing committee for its examination and report to the Senate." Few if any other state legislatures have a committee invested with such broad jurisdiction. It is suggestive of the powerful Rules Committee of the United States House of Representatives.

The standing committees of the Missouri House of Representatives are greater in number and less consistent in size than those of the Senate. Beginning in 1937 under the speakership of John G. Christy the number of committees tended to approximate the number of majority party Representatives with more than one term of service, thus allowing each of these persons to have a chairmanship. The custom was broken in 1959 when Speaker Richard H. Ichord reduced the total from 61 to 46, leaving quite a few non-freshman Democrats without a chairmanship. In 1961 the number was again 46. Even this is far above the all-state average.

The 46 House committees of the 71st General Assembly, and the number of members in each, were as follows:

| | |
|---|---|
| Accounts, Purchasing and Clerical Hire (9) | License and Miscellany (12) |
| Agriculture (40) | Military and Veterans' Affairs (12) |
| Appropriations (44) | Mines and Mining (11) |
| Aviation and Transportation Other Than Railroads (11) | Miscellaneous Resolutions (8) |
| Banks and Banking (11) | Motor Vehicles and Traffic Regulations (17) |
| Bills Perfected and Passed (5) | Municipal Corporations (20) |
| City Planning (14) | Penal Institutions (17) |
| Civil and Criminal Procedure (14) | Pensions (16) |
| Commerce (9) | Public Health and Safety (21) |
| Congressional Redistricting (10) | Public Schools (19) |
| Constitutional Amendments (9) | Railroads (9) |
| Criminal Jurisprudence (12) | Roads and Highways (43) |
| Dairying (17) | Rules and Joint Rules (7) |
| Education (24) | Rural Electrification (9) |
| Elections (9) | Savings and Loan (15) |
| Eleemosynary Institutions (17) | Seeds and Grains (10) |
| Fees and Salaries (18) | Social Security (26) |
| Flood Control and Soil Conservation (8) | State Parks, Forestry and Natural Resources (19) |
| Governmental Organization and Related Matters (9) | State Properties (9) |
| Industrial Development (20) | Unemployment (12) |
| Insurance (26) | Universities, School of Mines and State Colleges (19) |
| Judiciary (23) | Ways and Means (22) |
| Labor (24) | Workmen's Compensation (12) |

There is no uniformity or consistency in the size of these committees, either within a session or from session to session, though the smallest are usually the housekeeping committees. All committees and chairmen are appointed by the Speaker, who assumes as much responsibility for the task as does the President Pro Tem of the Senate for his comparable duty.

The Speaker, Speaker Pro Tem, and majority floor leader are by the rules ex officio members of all committees. In the 1961-1962 House the 46 committees were chaired by as many different persons.

From what has been said it should be evident that the committee system of the Missouri General Assembly has developed into a somewhat cumbrous structure which at times may have difficulty in discharging its function efficiently. Most state legislatures are in the same predicament, having too many committees, with too much overlapping in jurisdiction and personnel. Absenteeism becomes common, particularly in the committees of lesser importance, making it increasingly difficult for these bodies to get their work done.

The federal Congress in 1946 accomplished a long overdue reorganization of its internal structure, effecting among other things a reduction in both the number and the size of committees. The Senate now has 16 committees, their sizes in 1959 being mostly 17 or 15 (Appropriations had 27; Government Operations, Post Office and Civil Service, and Rules and Administration had 9 each; District of Columbia had 7). The 20 committees of the House varied more, generally having from 25 to 38 members each (Appropriations had 50, Rules 15, and Un-American Activities 9). With minor exceptions a Senator is limited to serving on two committees and a Representative on one. Experience under the new arrangement is such as to commend to the states a similar effort at reorganization. It should however be observed that the proliferation of congressional subcommittees has had the effect of nullifying somewhat the progress achieved in reducing the number of standing committees.

COMPARATIVE DATA ON LEGISLATIVE STANDING COMMITTEES, 1959

| | Number of committees | | Size of committees | | Assignments per member | |
|---------------|------------------------------|--------------|---------------------------------------|--------------|---------------------------|-------|
| | Senate | House | Senate | House | Senate | House |
| Missouri | 27 | 46 | Range: 5-15 Average: 10.2 | 5-44 16.3 | 8.1 | 4.8 |
| All states | Range: 3-46 Average: 21.6 | 6-68 26.6 | Range: 1-35 Average: Not available | 3-62 | Not available | |
| Congress | 16 | 20 | Range: 7-27 Average: 15 | 9-50 29 | 2.4 | 1.3 |

JOINT COMMITTEES. One of the most important organizations in the legislative branch is the Committee on Legislative Research, established in 1943. It is a joint Senate and House committee consisting of ten members from each, appointed by the President Pro Tem and the Speaker respectively. Almost all state legislatures have an agency of this sort. Assisted by a salaried staff of experts the Research Committee (a) keeps the Legislative Reference Library, (b) helps draft bills, and (c) prepares memoranda and other information asked for by the law-makers and their committees and, to a limited extent, by the general public, and (d) keeps up to date the set of laws currently in force and known as Revised Statutes of the State of Missouri. The great majority of the Senators and Representatives avail themselves of the bill-drafting service. In the 70th General Assembly 91.3% of the bills introduced in both chambers were written by the staff of this agency. How this service has grown since 1945 is indicated in the following summary:

| BIENNIUM | NUMBER OF BILLS DRAFTED |
|----------|----------------------------|
| 1945-46 | 347 |
| 1947-48 | 433 |
| 1949-50 | 477 |
| 1951-52 | 793 |
| 1953-54 | 858 |
| 1955-56 | 904 |
| 1957-58 | 1068 |
| 1959-60 | 862 |

A second joint committee is the Commission on Interstate Cooperation, consisting of six Representatives and six Senators appointed by the Speaker and the President Pro Tem respectively, plus five members representing the Governor. Such commissions, existing in all states, exchange information, sponsor interstate meetings of officials, and in general encourage cooperation and mutual understanding among the states. They are concerned particularly with problems too broad for individual state action but outside the normal jurisdiction of the federal government. The Council of State Governments, with central offices in Chicago, serves as the secretariat for these efforts. In recent years the Missouri Commission has participated in the handling of problems relating to the Missouri-Kansas boundary, the creation of a Missouri-Illinois Bi-State Development Agency, crime control, mutual fire assistance, uniform state laws, reform of tax and fiscal policies, channeling of federal airport funds, civil defense, water pollution control, and many other matters.

The Joint Committee on Correctional Institutions and Problems is a third of the permanent joint committees. It was established in 1957 as an agency to undertake a continuing study and analysis of penal and correctional problems in the state. In 1961 a fourth, the Permanent Commission on Local Government, was created.

From time to time interim committees or commissions are established, with membership drawn from each chamber, to make a thorough and unhurried study between sessions of the need for legislation in a particular field and to report recommendations at the beginning of the next General Assembly. The special State Reorganization ("Little Hoover") Commission, set up in 1953, was one of these. The Committee on Legislative Research could of course do some of this work through its permanent research staff, but the staff as presently constituted is not equipped to undertake so many and such ambitious surveys as might be possible through the interim committee arrangement. Furthermore, the interim bodies are made up of legislators themselves, who thus gain a thorough insight into the backgrounds of the problems being investigated. The Legislative Research staff does serve as a secretariat for the committees, and aids them in many ways.

There is a growing tendency of states to establish such committees, and there is no doubt of the positive assistance they can supply in the legislative process. Their legal status, in some respects, was called into question in recent years. Montana in 1954 discontinued them owing to an adverse decision of its supreme court. In 1955 the Missouri General Assembly set up quite an array of them--some twenty in all; but they were all nullified on various grounds. One, ordered by regular bill and purporting to set up a "watchdog" agency on the state penal system, was vetoed outright by Governor Phil M. Donnelly. Another group, set up by House resolution and relating to various matters including income tax collection, the nonpartisan court plan, and admission to the University of Missouri hospitals, were ruled invalid by Attorney General John M. Dalton in July 1955 on the ground that any fund-spending legislative agency continuing beyond the close of the session needed the approval of both houses as well as of the Governor. The same argument of course ruled out the similar committees set up by the Senate, which were to have studied corporate practices, criminal law revision, the licensing boards, turnpikes, memorials for deceased governors, etc. Shortly after the Attorney Gen-

eral's ruling three inquires that had been ordered by both houses--concerning juvenile delinquency, higher education, and public school transportation--were vetoed by Governor Donnelly on grounds of technical irregularities in passage. In 1957 the Supreme Court decided that the Senate acting independently cannot create committees to sit after adjournment, but that both houses by joint resolution can do so (State ex rel. Jones v. Atterbury, 300 S. W.2nd, 806).

In 1957 fourteen committees were set up, care being taken to conform with all legal requirements of enactment. Four of them were established by bill and were to continue beyond the end of that General Assembly's term. These were the committee on local government (to 1 January 1960), the commission on human rights (to 30 June 1961), the commission on handicapped persons (to 1 January 1962), and the committee on correctional institutions and problems (permanent). The other ten committees were constituted by concurrent resolution and were to expire at the opening of the 1959 session. These latter were to study state government reorganization, traffic safety, the operations of the Conservation Commission, water resources, industrial development, milk production and distribution, judicial redistricting, county offices, bi-state problems of the St. Louis area, and the possibilities of a "Mo-Kan" interstate compact

FLOOR LEADERS IN THE GENERAL ASSEMBLY, 1945 - 1962

| General Assembly | Senate | | House | |
|---------------------|--|---|---|---|
| | Democratic | Republican | Democratic | Republican |
| 63rd (1945-1946) | Emery W. Allison Rolla Lawyer | *H. R. Williams Cassville Farmer | Roy Hamlin Hannibal Lawyer | *Randall R. Kitt Chillicothe Lawyer |
| 64th (1947-1948) | Emery W. Allison Rolla Lawyer | *R. Jasper Smith Springfield Lawyer | Roy Hamlin Hannibal Lawyer | *R. J. King, Jr. St. Clair Barber-insurance |
| 65th (1949-1950) | *Edward V. Long Bowling Green Lawyer | R. Jasper Smith Springfield Lawyer | *C. P. Turley Van Buren Lawyer | W. D. Cruce El Dorado Springs Druggist |
| 66th (1951-1952) | *Richard J. Chamier Moberly Lawyer | R. Jasper Smith Springfield Lawyer | *Delton L. Houtchens Clinton Lawyer | W. D. Cruce El Dorado Springs Druggist |
| 67th (1953-1954) | *Floyd R. Gibson Independence Lawyer | R. Jasper Smith Springfield Lawyer | Roy Hamlin Hannibal Lawyer | *Christian F. Stipp Carrollton Lawyer |
| 68th (1955-1956) | *Floyd R. Gibson Independence Lawyer | Hartwell G. Crain St. Louis County Lawyer | *Omer H. Avery Troy Lawyer | Samuel B. Murphy St. Louis Lawyer |
| 69th (1957-1958) | *George A. Spencer Columbia Lawyer | Hartwell G. Crain St. Louis County Lawyer | *Warren E. Hearnese East Prairie Lawyer | A. Clifford Jones Clayton Lawyer |
| 70th (1959-1960) | *George A. Spencer Columbia Lawyer | C. R. (Ted) Hawkins Brumley Banker | *Warren E. Hearnese Charleston Lawyer | Dorman L. Steelman Salem Lawyer |
| 71st (1961-1962) | *John W. Joynt St. Louis Lawyer | Jack Curtis Springfield Lawyer | *James G. Trimble Kearney Lawyer | Dorman L. Steelman Salem Lawyer |

* Majority Leader

for the Kansas City area. In 1959 six new ones were established, to study highway financing, labor-management relations, forest resources, insurance laws, state fiscal problems, and the use of business machines in state administrative offices; also a commission on atomic energy.

The General Assembly of 1961 set up eight new interim committees, dealing with the county superintendent of schools, highway and road maintenance and equipment, insurance, industrial development, education, mutual problems of the City of St. Louis and St. Louis County, medical assistance for the aged, and outdoor recreational resources. It also established two interim commissions on conflict of interest and tax study, and a permanent commission on local government. And it renewed the atomic energy commission and the commission on handicapped persons. Governor Dalton vetoed the tax study commission as being unnecessary.

PARTY ORGANIZATION AND LEADERSHIP. Besides the official leadership and machinery described above (officers and committees of the two houses) there is also a quasi-official party leadership somewhat analogous to that in the federal Congress except not as effective for the control and development of legislative programs. A dependable party majority for the passing of party-sponsored laws over a period of time is something regularly expected in Congress but rarely achieved in the states--certainly not in Missouri. It is one of those deficiencies easy to criticize but difficult to remedy, owing to the absence of a tradition of sustained party guidance, either by the Governor or by the party leaders, in the state legislative process. Controversial measures commonly pass or are defeated by votes which give evidence not so much of party responsibility as of local constituency interest or other factors. Though admittedly vigorous, party activity in the Missouri General Assembly does not center around a legislative program.

The chief party agencies in the chambers are similar to their counterparts in Congress, if one does not push the analogy of legislative effectiveness too far. They are as follows:

Caucus. There are four caucuses--a majority and a minority one for each house. Each caucus chooses its own chairman and secretary, its "floor leader" for the chamber, and the nominees for the posts of official leadership in the chamber--presiding officer etc. During a regular session of the legislature each caucus will meet a dozen or more times to discuss taking a policy stand on pending legislation. Each caucus meets a few weeks after the general elections in November and selects its candidates for the leadership posts in the legislature soon to meet.

Floor Leader. The floor leader looks after the party's interests, such as they are, in the sessions of his particular chamber. He helps plan the strategy for getting bills through, or for blocking them, as the case may be. He advises with other party members regarding debate, motions, and general conduct of proceedings. Finally, he may make an effort to "line up the vote" when a bill nears this crucial stage. Tasks such as these require a man of considerable political skill and experience. The great majority of floor leaders are lawyers, as is evident from the accompanying table. A majority and minority whip, assistants to the floor leaders, are found in the Missouri House but are not common in the legislatures of other states.

REFERENCES

(See end of chapter 9.)

Chapter 9

GENERAL ASSEMBLY: PROCEDURE

THE RULES. The sets of rules adopted by Senate and House, respectively, for the governance of their proceedings are brief and simple and are published in combined form as a small pocket-sized Manual. One important rule for each chamber specifies that the rules and practices of the corresponding house of the national Congress shall also govern proceedings in the Missouri chamber where applicable and where not inconsistent with other rules of the Missouri chamber.

The congressional rules, particularly those of the House of Representatives, are intricate and voluminous, having developed through precedent over many years. It is not surprising that legislative procedure in Missouri does not always conform with them. By and large, however, Missouri practice represents a satisfactory compromise between objectionable informality on the one hand and extreme fidelity to technicalities on the other. Rarely are the rules abused in such a manner as to provoke public condemnation. And the final legislative product is almost always adequate to the needs of the state. A Missouri newspaper, impressed with some of the handicaps under which the General Assembly operates, recently observed editorially that "The most remarkable feature of a Missouri legislature is the fact that results are frequently very good".

Following is a summary of the principal steps involved in the making of a Missouri statute. The Constitution establishes the broad outline and even some of the details (Article III, Sections 21-35); the rest is filled in by the rules and by custom.

1. Introduction and first reading.
2. Second reading.
3. Committee stage.
4. On the calendar.
5. Perfection.
6. Printing and examination.
7. Third reading and final passage.
8. Action by other chamber.
9. Reconsideration by first chamber.
10. Conference committee.
11. Final action by the two houses.
12. Action by the Governor, and consequences.
13. Final formalities.

INTRODUCTION AND FIRST READING. A bill may be introduced in either house, but only by one of its own members. If the Governor, or the Attorney General, or a state administrative agency, or a private person or corporation, is interested in getting the legislature to consider a certain matter, and has even drafted the form for such a bill, it will still be necessary to find some Senator or Representative who will agree to "introduce" it on the floor of the chamber. Customarily, the introduction of appropriations bills is left to the House of Representatives.

The actual writing out or drafting of bills may be done by legislators, lawyers, interested persons, or the Committee on Legislative Research described in the last chapter. The research and drafting services of this committee are in increasing demand by members of the General Assembly, several hundred of such bills being prepared each session.

The act of introducing a bill is quite simple. The Senator or Representative announces his intention to the presiding officer, whereupon the sheets of typewritten paper containing the bill are taken up to the secretary or clerk, who then reads aloud the title. This is counted as the first of three official "readings" which all bills must go through, on separate days, before being finally passed. Immediately after the first reading the bill is given a serial number by which it is known for the remainder of the session. 1000 copies are then printed for distribution to the members of the General Assembly and interested persons.

Unless a bill is an appropriation measure, it may contain only one subject, which subject must be clearly stated in the title. All bills must begin with the following enacting clause: "Be it enacted by the General Assembly of the State of Missouri, as follows:".

No bill, except an appropriation bill, can be introduced after the 60th legislative (working) day of a regular session unless an absolute majority of each house agree, or the Governor asks for it by a special message.

SECOND READING. The second reading of the bill takes place on some day after introduction, and is also by title only.

COMMITTEE STAGE. Immediately after second reading the bill is referred by the presiding officer to the proper standing committee for study. Such referral is usually automatic, as the rules of each house specify the kinds of bills that go to the different committees. If, however, the nature of a bill fits it for more than one committee the presiding officer must make the choice. His decision may be overruled by a majority vote of the chamber.

For the examination of bills committees must hold their meetings at times other than the actual sittings of the chamber, unless the latter grants special permission. The public hearings draw various numbers of people, depending on interest in the individual measures. The pressure of legislative business makes it impracticable to publicize fully the dates of all hearings, yet persons interested can acquire this information by keeping in contact either with their own legislator or with the chairman of the committee involved. Even scheduled hearings sometimes are cancelled at the last minute because of inability to assemble a quorum of the committee, or other reasons.

When the hearings are over the committee goes into executive session to determine what shall be done with the bill. Decision is reached by majority vote. Article III, Section 22, of the new Constitution orders every committee to file "the recorded vote of the members of the committee", which, clearly demonstrated in the debates of the constitutional convention, meant that a record be made of how each member on the committee voted. The Senate has not observed this interpretation of the rule; the House observed it for a decade, then abandoned it, over considerable public protest, in February of 1955. The Missouri Supreme Court in 1953 held that the Senate rule requiring the reporting of only the total number of members favoring the bill and the total number not favoring the bill, was in literal compliance with the Constitution (*Walters v. City of St. Louis*, 364 Mo. 56, 259 S. W.2d, 377). The possible actions which a committee may take on a bill are as follows:

1. It may make no report at all. (It should be borne in mind that the legislature cannot pass any bill or even debate it until it has come back from committee in one form or other. The Constitution in Article III, Section 22, permits either house by a 1/3 vote to force a committee to report. House rules require every committee to report within 10 legislative days after it gets the bill, but the Senate has no such rule. In May 1953 twelve Senators tried to force a controversial bill relating to "filled milk" products from committee by signing a petition to that effect; Lieutenant Governor Blair ruled that a roll-call vote, not a petition, was the proper procedure under the Constitution. Almost never does

the Senate discharge a bill from committee, though it is sometimes done in the House.)

2. It may report the bill without any recommendation. (Rare)
3. It may report the bill with the recommendation that it "do pass". (Somewhat less than half the bills are so reported.)
4. It may report the bill with amendments added by the committee, and with the recommendation that it pass as amended.
5. It may report an entirely new bill under the old title, with the recommendation that it pass. (In this case the new bill is referred to as the "committee substitute".)
6. It may report the original bill with the recommendation that it "do not pass". (This kills the bill unless the house votes by an absolute majority to revive it.)

ON THE CALENDAR. Any report except one recommending that the bill do not pass has the effect automatically of putting the bill on the regular (formal) calendar of that house. The calendar is merely a listing of the normal order in which bills will be taken up and considered in that house. If the sponsor of a bill is absent when the bill's normal order comes up on the formal calendar, or if the sponsor is for some reason unready to pilot the bill into the perfection stage at that time, the bill is usually transferred to the "informal calendar" of that house. These calendars are called at different times and thus provide a degree of flexibility in floor procedure. Generally speaking, as the session advances the formal calendar is used less and the informal calendar more.

PERFECTION. The next step is for the house to debate and amend ("perfect") the bill. This comes when the proper turn of the bill has been reached on the calendar, or when the calendar order has been changed to permit it. Amendments recommended by the committee are disposed of first, after which the chamber may add amendments of its own. When the procedure has been completed, someone moves that the bill "be perfected and ordered printed". An affirmative vote by a simple majority of those present passes the motion.

PRINTING AND EXAMINATION. With its various amendments the bill is thereupon arranged by the engrossing clerk for prompt printing. This is normally the second printing since introduction. The committee on bills perfected and printed examines the newly printed copies to attest to their accuracy, and reports its findings to the house. If all is in order, the bill is placed on the formal calendar for final passage.

THIRD READING AND FINAL PASSAGE. When the proper time and calendar order have arrived the bill is again read by title only, this being the third official reading. At this late point debate is confined to the bill as a whole, since debate on the individual parts was held in the perfection stage. Normally no further amendments are added unless they relate to the wording of the title. Final vote on the bill is taken by the "yea and nay" method, which shows by name how each member votes. An absolute majority of the total living membership in each house is required for the bill to pass. In the Senate voting takes place by roll call and vocal reply. In the House an efficient electrical device is used, each Representative casting his vote by pressing one of three buttons on his desk, indicating "yes", "no", or "present but not voting".

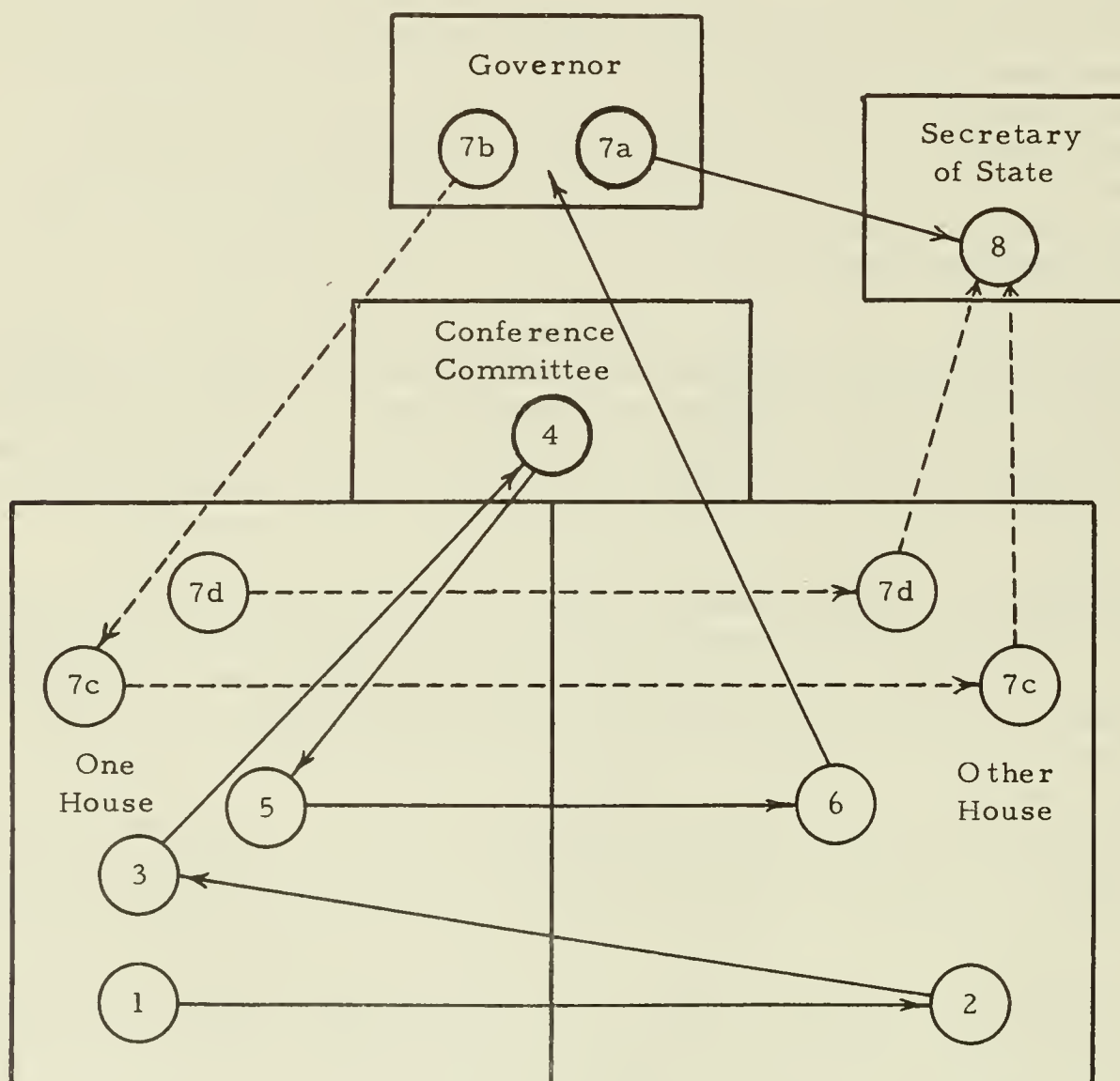
CONSIDERATION AND PASSAGE BY OTHER CHAMBER. After having been considered and passed in one house, the bill goes through about the same sort of treatment in the

other house. It should be emphasized that this double "going over" of all bills before they become law is a built-in feature of the bicameral system. To some persons it may seem wasteful to have two sets of committee hearings with many of the same witnesses and much the same information appearing at each, plus two sets of debates that bring out substantially the same arguments. The only answer is that the people of Missouri, as well as the people of almost all other states, prefer to have it this way. Massachusetts has adopted a joint committee system, which remedies some of the duplication of effort inherent in bicameralism.

The steps in the second house, being practically identical with those in the first, need not be reviewed here. If the second chamber passes the bill in the same form in which it was received, it goes directly to the Governor for his signature. If, however, the second chamber adds any amendments the bill must be returned to the first chamber for consideration of these changes.

IN CONFERENCE COMMITTEE. If the amendments added by the second chamber are not agreed to by the first, either house may request a "conference", whereupon, if granted by

PATH OF A BILL



1. Introduction and passage in first house.
2. Change and passage in second house.
3. Refusal of first house to agree to changes made in second house.
4. Compromise in conference committee.
5. Acceptance by first house.
6. Acceptance by second house.

- 7a. Approval by Governor.
- 7b. Veto by Governor.
- 7c. Repassage by two houses over Governor's veto.
- 7d. Joint resolution declaring bill to be a law, if Governor does not return it within the time limit.
8. Promulgation by Secretary of State.

the other, the presiding officers will appoint conferees for the purpose of working out a compromise. Since 1935 conference committees on bills of one subject, such as appropriations, tend to contain the same membership for the entire session. In the average session from 15 to 40 bills are subjected to conference.

The conference committee studies the two different forms of the bill, makes whatever compromises or further changes it thinks will be agreeable to both houses, and sends the revised version back to the house in which the bill originated. One of the congressional rules on conference committees, supposedly applicable in Missouri because of blanket adoption in the rules, is that the committee cannot change any part of the bill not in dispute between the chambers, which is further interpreted to mean that in the case of an appropriation measure the committee should not go beyond the high and low figures in dispute. Missouri practice does not always conform to this interpretation, and occasionally provokes criticism by its failure to conform with accepted congressional practice.

FINAL ACTION BY THE TWO HOUSES. The conference committee's revised version of the bill is usually either accepted or rejected by the houses with little further discussion, although occasionally, in the event of rejection by one chamber, additional conferences may be held. Almost all conferences are finally successful.

If the first house approves the bill as reported by the conference committee it goes to the second house. If approved there it is returned to the first house where it is ordered "enrolled"--that is, typed on a superior stock of paper; this is the final and authorized copy of the bill. After the accuracy of this document has been attested by the committee on bills agreed to and finally passed it is signed by four persons--the two presiding officers, the secretary of the Senate, and the chief clerk of the House. In this form it goes to the Governor.

The cigarette tax bill of 1955 presented an interesting test case of the importance of signature by the presiding officer. Speaker Roy Hamlin refused to sign this bill on the ground that the original copy had not been used in final passage in his chamber. The bill called for a referendum later in the year, and the referendum approved the measure. It was then attacked judicially on the ground that failure of the Speaker to sign had invalidated the bill. The Supreme Court held that the requirement of signing is directory only, and that failure of the Speaker to perform this routine act is a procedural error which is remedied on approval of the bill by referendum (*Brown v. Morris*, 290 S. W.2nd, 160--1956).

ACTION BY THE GOVERNOR, AND POSSIBLE CONSEQUENCES. Article III, Section 31, of the Constitution says that "All bills and joint resolutions passed by both houses shall be presented to and considered by the Governor." The Missouri Supreme Court has held that a resolution creating an interim investigating committee, adopted by both chambers, does not need the Governor's approval and may direct the payment of its expenses (*State ex rel. Jones v. Atterbury*, 300 S. W.2nd, 806--1957).

The Governor has 15 days in which to approve or disapprove the bill if the General Assembly is still in session. If it has taken a recess for 30 days or more, or if it has finally ended its session, then the Governor has 45 days in which to act. He may do one of four things: (1) he may approve the whole bill and sign it; (2) he may veto the whole bill and return it with his reasons for not signing; (3) if it is an appropriation bill he may veto parts of it while approving the remainder; or (4) he may take no action at all. What happens in each case?

1. If he signs the bill, he returns it to the house where it started, which house will promptly send it on to the Secretary of State. If the legislature is not in session when the Governor signs, he sends it directly to the Secretary of State.

2. If the Governor vetoes the bill, he returns it to the house of origin with his reasons for not signing. In this case the bill will not become a law unless repassed in each house by a 2/3 vote of the total membership. Overriding a veto in Missouri is extremely rare (chap. 11).

3. If he disapproves certain portions of an appropriations bill, he may veto these items while approving the remainder of the bill. Item vetoes may be overridden by the same procedure as for total vetoes.

4. If he does nothing within the time allotted for considering the bill, and the General Assembly is still in session, the latter may by joint resolution declare the bill to be a law. A joint resolution requires a majority vote of the membership of each house. It is interesting to note that this differs from federal procedure, in which a bill not acted upon by the President becomes a law automatically if Congress is still in session.

FINAL FORMALITIES. The Secretary of State receives the law (either from the General Assembly or from the Governor, depending on whether the General Assembly is in session or not), and publishes it in the biennial collection of Laws of Missouri. The original typed copies of all laws for each session are collected and bound together in a separate book and kept in the archives of the Secretary of State, where they may be referred to if a dispute arises re-

BILLS IN THE MISSOURI GENERAL ASSEMBLY, 1933 - 1960

| General Assembly | Introduced | | | Finally passed | | | Sent to conference | † Vetoed | | | | Governor |
|------------------|------------|------|------|----------------|------|------|--------------------|----------|----|----|-------|----------|
| | Sen. | Hse. | Tot. | Sen. | Hse. | Tot. | | Full | | | Items | |
| 57th (1933-34)* | 356 | 804 | 1160 | 111 | 126 | 237 | 27 | 9 | 11 | 20 | 95 | Park |
| 58th (1935-36) | 175 | 542 | 717 | 50 | 90 | 140 | 15 | 2 | 6 | 8 | 135 | Park |
| 59th (1937-38) | 233 | 520 | 753 | 76 | 94 | 170 | 12 | 8 | 15 | 23 | 35 | Stark |
| 60th (1939-40)* | 370 | 721 | 1091 | 207 | 195 | 402 | 30 | 4 | 13 | 17 | 35 | Stark |
| 61st (1941-42)* | 225 | 639 | 864 | 76 | 144 | 220 | 15 | 5 | 17 | 22 | 133 | Donnell |
| 62nd (1943-44)* | 190 | 710 | 900 | 86 | 183 | 269 | 24 | 3 | 5 | 8 | 10 | Donnell |
| 63rd (1945-46) | 498 | 1039 | 1537 | 242 | 460 | 702 | 70 | 12 | 14 | 26 | 4 | Donnelly |
| 64th (1947-48) | 348 | 491 | 839 | 190 | 142 | 332 | 35 | 18 | 13 | 31 | 48 | Donnelly |
| 65th (1949-50) | 284 | 459 | 743 | 76 | 71 | 147 | 18 | 5 | 1 | 6 | 11 | Smith |
| 66th (1951-52) | 283 | 531 | 814 | 130 | 163 | 293 | 30 | 3 | 6 | 9 | 7 | Smith |
| 67th (1953-54)* | 454 | 490 | 944 | 158 | 129 | 287 | 27 | 7 | 5 | 12 | 60 | Donnelly |
| 68th (1955-56)* | 353 | 600 | 953 | 162 | 166 | 328 | 25 | 12 | 13 | 25 | 24 | Donnelly |
| 69th (1957-58)* | 331 | 647 | 978 | 159 | 108 | 267 | 31 | 2 | 4 | 6 | 3 | Blair |
| 70th (1959-60)* | 368 | 577 | 945 | 153 | 215 | 368 | 15 | 5 | 8 | 13 | 1 | Blair |

* Includes special session or sessions.

† No vetoes were overridden by the General Assembly.

garding wording or punctuation. Every decade, in the years ending in the digit nine, all laws currently in force are collected and arranged topically in the publication Revised Statutes of the State of Missouri.

Laws normally do not go into effect until 90 days after the close of the session in which they are passed. Appropriation laws, and those containing an emergency clause, go into effect immediately. Or a law may contain a clause providing its own effective date, or specifying that it shall go into force only when certain other circumstances or events have arisen. To add the emergency clause requires an affirmative vote of 2/3 of the elected membership of each house.

Normally from 700 to 1000 bills are introduced in each session. About 2/3 of these originate in the House of Representatives. Of the total number introduced, considerably less than half finally get passed. The mortality rate for Senate bills is generally lower than that for House bills. The Governor ordinarily vetoes from one to two dozen bills per session; apparently no veto has been overridden by the General Assembly since the year 1838 (see chapter 11). The average number of "legislative days" in a session, prior to adoption of the 1952 amendment limiting sessions, was about 115.

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The laws enacted by each General Assembly are collected and arranged alphabetically by subject matter in biennial volumes entitled Laws of Missouri, often referred to as "session laws". The volumes also contain the texts of proposed constitutional amendments and other propositions submitted to the people, with the votes thereon. The Secretary of State prepares and issues these volumes. They are available to the public at a nominal charge.

Every decade, in the years ending in "9", the General Assembly's Committee on Legislative Research issues a new edition of the Revised Statutes of the State of Missouri. This publication contains, in orderly arrangement with all sections numbered according to a master code, all the Missouri laws currently in force, regardless of when enacted. The 1959 edition comprises three large volumes, plus a fourth containing a complete index and copies of the federal and Missouri Constitutions. The set is kept up to date by biennial supplements.

A greatly expanded edition of the statutes currently in force is found in the multivolume privately published Vernon's Annotated Missouri Statutes. The text of the laws is identical with that in the official Revised Statutes of Missouri, but the annotations and historical data are more extensive. The two sets have separate uses--the one for ready reference and the other for more detailed research.

Selections from the Revised Statutes relating to a particular subject matter are occasionally published in separate form. For example at two-year intervals the Secretary of State has issued a collection of Election Laws of the State of Missouri, for the use particularly of election officials at the primary and general elections.

Proceedings of the General Assembly are printed in the official Journals of the Senate and House of Representatives, respectively. The Secretary of State compiles these from information and records submitted by the officers of the two houses. The publication does not contain a record of the debates, but only a statement of the consecutive actions taken, including a record of how the members voted on the various amendments and bills. Indexes make it possible to trace quickly the course of a bill through the General Assembly, as well as to get a total view of bills introduced, passed, and vetoed. Often an Appendix to these journals has been issued, containing the collectively bound annual and biennial reports of the various state administrative agencies.

Each General Assembly issues a pocket-size Manual containing a list of members, officers, committees, and rules of each chamber, plus the joint rules of both houses.

When a bill is introduced in either house of the General Assembly, normally 1000 copies of it are printed. Subsequent printings, in revised form as needed, depend upon the degree of progress the bill attains. After all amendments have been added by the originating chamber the bill is printed as "perfected". When both houses have agreed on a final form for the bill and have passed it, it is printed as "truly agreed to and finally passed". Separate copies of individual bills may be obtained by writing the chief clerk of the House or the Secretary of the Senate, identifying the bill by number. Copies of all bills in their several printed forms are collected into bound volumes and kept for reference in the Legislative Reference Library at the State Capitol.

Chapter 10

INITIATIVE AND REFERENDUM

Lawmaking ordinarily is done by the legislature. To help insure that the product will be to the people's liking, various popular pressures are available, such as lobbying, newspaper editorials, letters to legislators, and electing the legislators in the first instance.

Many states, however, feel that an extra safeguard is needed against an unwise or sluggish legislature, that at certain critical junctures the people should have the privilege of stepping in and handling the situation directly. There are also times when the legislature itself may wish to refer a proposition to the voters before it goes into effect. The initiative and referendum are devices created to answer these needs. Missouri adopted them by constitutional amendment in 1908.

It may be objected that such "direct democracy" is clumsy at best, that the people en masse are not well qualified for the function of lawmaking, that they are susceptible to being swayed by high-pressure groups promoting a particular proposition, and that the simple yes-or-no alternative on the ballot leaves no room for compromise and amendment. Moreover, most such propositions elicit a very small vote as compared with the vote cast for candidates. These are real shortcomings, yet nearly half the states feel that the advantages to be reaped occasionally from the initiative and referendum are sufficient to justify retaining them as formal auxiliaries in the governing process.

THE INITIATIVE. The initiative is used for getting a law proposed and passed directly by the people without any reference to, or help from, either the General Assembly or the Governor. In Missouri either an ordinary law or an amendment to the Constitution can be both proposed and enacted through this procedure. The steps, described in Sections 49-53 of Article III of the Constitution, are as follows:

1. Proposal. Persons interested in getting a new law or constitutional amendment may circulate a petition which states the proposition. If it is a law that is being proposed, the petition must present signatures equal to at least 5% of the legal voters in each of 2/3 of the congressional districts of the state. If it is a proposed constitutional amendment, the percentage is 8 instead of 5. The number of legal voters is determined by the number of votes cast for Governor in the last election. The proposition must be confined to one subject in the case of a law, or one amended or revised article in the case of a constitutional amendment. The initiative may not be used for any purpose prohibited by the Constitution, nor may it appropriate any money not raised by the terms of the new proposition. Initiative proposals must begin with one of two clauses: (1) "Be it enacted by the people of the State of Missouri:" or (2) "Be it resolved by the people of the State of Missouri that the Constitution be amended:"

2. Filing with the Secretary of State. The petitions, signed with the requisite number of names, must be filed with the Secretary of State not later than four months before the next general state election.

3. Acceptance or Rejection. At the election (either the next general election in November or an earlier special one called by the Governor) a simple majority of the votes cast is enough to adopt the proposal, whereupon the measure immediately becomes law. No additional action by either the General Assembly or the Governor is needed.

USE OF THE INITIATIVE IN MISSOURI, 1910 - 1960

| Year | For constitutional amendments | For statutes |
|------|---|--|
| 1910 | 1. Prohibition of intoxicating beverages. 2. Direct levy for support of University. | |
| 1912 | 3. Single tax. 4. Substitution of tax commission for equalization board. 5. Grand jury investigation of elections. 6. Direct levy for support of schools and higher education. | |
| 1914 | 7. Woman suffrage. 8. \$50,000,000 bond issue for roads. 9. Property tax for roads. | |
| 1916 | 10. State land bank. 11. Prohibition of intoxicating beverages. | |
| 1918 | 12. Homestead loan fund. 13. Single tax. 14. Home rule for cities over 100,000. | |
| 1920 | * 15. Twenty-year interval for voting for constitutional convention. | |
| 1922 | | 1. Workmen's compensation. 2. Senatorial redistricting. |
| 1924 | * 16. Authorization for consolidation of St. Louis City and St. Louis County. 17. Tax exemption of religious and educational property. | * 3. 2¢ gasoline tax. 4. Workmen's compensation. |
| 1926 | * 18. Authorization for police pensions. | 5. Workmen's compensation. 6. Repeal of prohibition enforcement laws. |
| 1928 | * 19. \$75,000,000 bond issue for roads. | 7. Police pensions in St. Louis. |
| 1930 | 20. New plan for consolidation of St. Louis City and St. Louis County. 21. Excess condemnation in some areas. 22. Permitting sheriffs and coroners to succeed themselves. | 8. Workmen's compensation. |
| 1932 | * 23. Limiting legislative employees and changing legislative procedure. * 24. Executive budget and item veto. | |
| 1934 | 25. Teachers' pensions. | |
| 1936 | * 26. Teachers' pensions. * 27. Conservation commission. | |
| 1938 | 28. 3¢ gasoline tax. 29. Changes in General Assembly, etc. 30. Tax revision. 31. Permitting sheriffs and coroners to succeed themselves. | |
| 1940 | * 32. Nonpartisan court plan. 33. Initiative procedure. 34. Repeal of wildlife and forestry code. 35. 3¢ gasoline tax, etc. 36. 3¢ gasoline tax, etc. | |
| 1944 | 37. Unicameral legislature. | |
| 1958 | | 9. Branch banking. |

* Adopted.

REFERENDA ON ACTS OF THE GENERAL ASSEMBLY, 1910 - 1960

| Year | Ordered by petition | Ordered by General Assembly |
|------|---|--|
| 1914 | <ul style="list-style-type: none"> * 1. Size of train crews. * 2. Local county option on prohibition. * 3. Appointment of St. Louis excise commissioners. * 4. Appointment of St. Louis police commissioners. | |
| 1920 | <ul style="list-style-type: none"> 5. Prohibition enforcement. * 6. Workmen's compensation. | |
| 1922 | <ul style="list-style-type: none"> * 7. Creation of labor department. * 8. Creation of budget department. * 9. Abolition of state oil inspector. * 10. Abolition of state beverage inspector. * 11. Creation of welfare office. * 12. Creation of agriculture department. * 13. Creation of new judicial circuits. * 14. Workmen's compensation. * 15. County unit for school administration. * 16. Abolition of some justices of the peace. * 17. Changes in Kansas City courts. * 18. Appointment of some justices of the peace. * 19. Abolition of some constables. * 20. Congressional redistricting. | |
| 1926 | 21. Workmen's compensation. | |
| 1938 | * 22. 3¢ gasoline tax. | |
| 1950 | † * 23. 4¢ gasoline tax. | |
| 1955 | | <ul style="list-style-type: none"> 1. Cigarette tax for schools. 2. School foundation program. |

* Bill submitted was rejected. Since the ordering of a referendum by petition is usually motivated by presumed popular hostility to the measure, the referendum is generally deemed "successful" if the measure is defeated in the ensuing election. Thus the asterisk in both this table and the preceding one indicates the extent of success enjoyed so far by the initiative and referendum in Missouri.

† The Laws of Missouri for 1949, page 642, erroneously call this a proposed constitutional amendment submitted by the General Assembly. Documents in the office of the Secretary of State show it to be an ordinary bill submitted to referendum by popular petition.

THE REFERENDUM. Somewhat different from the initiative, the referendum is a public vote on something which has already gone through the legislature. If for instance the legislature has passed a bill over which there was much public argument, either the General Assembly itself may decide to submit it to the people before it goes into effect, or the people may force it to be so submitted. Such submission is called a referendum, and, if ordered by the General Assembly, it is ordinarily considered "successful" if it rejects the bill in question.

Referenda may be held on any act of the Missouri General Assembly except (1) laws declared to be necessary for the immediate preservation of the public peace, health, or safety, and (2) laws making appropriations for the current expenses of the state government, for the maintenance of state institutions, and for the support of the public schools.

A referendum may be ordered by the General Assembly simply by passing an ordinary bill calling for it. Or the people may force a referendum by circulating petitions for signature, just as in the case of the statutory initiative. Such petitions, containing the requisite number of signatures, must be filed with the Secretary of State not later than 90 days after the close of the session in which the legislature passed the bill. The vote will take place at the next regular election, unless a special election is set by the General Assembly.

THE RECORD TO DATE. Since their adoption in 1908 the initiative and referendum in Missouri have not been used a great deal, particularly after 1945. Through 1958 the initiative was tried for 37 constitutional amendments and 9 statutory propositions. Only 9 of the constitutional amendments were adopted, and only one of the statutory propositions. It may of course be argued that success in even these few cases was worthwhile, and that merely having the initiative device available when needed is a good thing. It should be noted that the initiative has been used only once under the Constitution of 1945, this being for the branch banking proposal of 1958 which was defeated by a large margin.

The referendum was resorted to 25 times during the period 1908-1960. The first 23 of these were ordered by petition, and 21 of the bills thus called to account were rejected. In 1955 the General Assembly, breaking precedent, itself submitted two bills to popular referendum, the election taking place on October 4. These two bills were approved by the electorate.

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Chapter 11

THE GOVERNOR

The executive branch of Missouri's government comprises all those offices which carry out the laws enacted by the General Assembly and by the initiative and referendum. The employees in this branch total many times the number in both other branches combined. Individual citizens rarely come into direct contact with the legislature, nor with the courts unless they become involved in a crime or lawsuit. It is the executive branch--commonly called the "administration"--which directly touches people by collecting taxes, patrolling the highways, issuing marriage licenses, inspecting milk supplies, and tending to hundreds of other everyday matters. Theoretically in control of most administration is the chief executive official, the Governor.

ELECTION AND QUALIFICATIONS. The Governor is nominated at the August primaries in leap years, and elected at the general election three months later. To be qualified for the office he (or she) must be at least age 30, and a United States citizen for 15 years, as well as a Missouri resident for 10 years, immediately preceding election. There is no constitutional obstacle to his being elected to any number of terms provided they are not consecutive, a consideration which also applies to the State Treasurer. Only two persons thus far have held the governorship more than once: John Miller was elected in 1825 to fill out the unexpired term of the preceding Governor, and then elected to a term in his own right in 1828; Phil M. Donnelly was elected to two full terms, beginning in 1945 and 1953 respectively. The office carries an annual salary of \$25,000, plus free residence, chauffeur, and maid service at the executive mansion. The Governor's office in the Capitol is also provided with a staff of secretaries.

REMOVAL. As in the case of the President of the United States the Missouri Governor can be removed from office by death, resignation, or impeachment. Another possibility in Missouri is automatic forfeiture of the office through appointing a kinsman to a state job. Nepotism and impeachment have been noted earlier (chap. 5); never yet has there arisen a case of either against a Missouri Governor. Governor Claiborne F. Jackson, secessionist, was desposed by the State Convention in July 1861. There have been two resignations: Daniel Dunklin resigned in 1836 to accept the office of federal surveyor general, and Truston Polk resigned in 1857 to become United States Senator. Four Governors died in office--Frederick Bates (1825), Thomas Reynolds (suicide, 1844), Hamilton R. Gamble (1864), and John S. Marmaduke (1887). Aside from these seven cases all Missouri Governors have completed their terms.

SUCCESSION. If the Governor dies, resigns, fails to qualify, is convicted or removed by impeachment, leaves the state on a visit, or is otherwise disabled his duties are taken over by the Lieutenant Governor, the latter being paid at the rate of the Governor's salary for such periods. In the absence of the Lieutenant Governor the duties of the governorship devolve on the President Pro Tem of the Senate, and after that on the Speaker of the House of Representatives. Thus far in Missouri history only five Lieutenant Governors have become Governor--Lilburn W. Boggs (1836), M. M. Marmaduke (1844), Hancock Lee Jackson (1857), William P. Hall (1864), and Albert P. Morehouse (1887). And only one President Pro Tem of the Senate has had that honor--Abraham J. Williams (August-December 1825). The regular annual salary of the Lieutenant Governor is \$12,000.

CARRYING OUT THE LAWS. The President of the United States is the only elected executive official in the national government, whereas the state governors must share the executive power with other elective officials such as Attorney General, Secretary of State, State Treasurer, and State Auditor. This basic situation makes impossible a complete unity of law enforcement policy in the state. Yet the Governor's share of the responsibility in Missouri is still sufficiently large to warrant his being called the "chief executive."

As chief executive his main duty is to carry out the laws faithfully. Most laws do not require his regular attention, nor could he possibly give it to them. Routine administration, concerned with everyday matters like the recording of land sales and issuance of drivers' licenses, is carried on with no expectation of assistance from the Governor. In practically every field of law enforcement he is privileged to intervene in the event of a crisis. For example, should law and order break down in a given locality the Governor may summon the state militia or seek federal aid. The Governor is most closely connected with those agencies assigned to his own office, such as the highway patrol (see chapter 12). In other matters relating to the appointive departments he exercises occasional attention, though he possesses nothing like the ordinance power of the national President.

APPOINTMENT OF OFFICIALS. The Governor must appoint, subject to confirmation by the Senate, many of the officials actively engaged in enforcement of the laws--Commissioner of Agriculture, Director of Revenue, etc. (see chart inside front cover). The terms of some of these are not definitely stated, but continue "at the pleasure of the Governor," which usually means that if the man gives reasonably satisfactory service he may expect to hold the office during the four-year term of the Governor. Other officials, such as members of various boards and commissions to be noted later, have definite terms independent of that of the Governor. Quite naturally the Governor has more control over the officers he appoints for indefinite terms--mainly single heads of agencies rather than the boards and commissions. Without suggesting that the system of boards and commissions is necessarily bad, it nevertheless may be pointed out that this relative freedom from top control adds to the difficulty of developing a unified administration.

Another class of officials appointed by the Governor are the judges of those state courts which operate under the "nonpartisan court plan". Such appointment is made from a list of nominees submitted to him, is for a trial period of from one to three years, and is followed by a popular election for the complete term. The complicated procedure involved is explained in chapter 15.

Finally, the Governor has power to fill all vacancies that may occur in state and county offices unless otherwise provided for by law. Thus if a county prosecuting attorney dies the Governor names a substitute to serve until the next election. In 1953 Governor Donnelly filled a prosecuting attorney vacancy in Bollinger County, where there was no available lawyer, by appointing a lawyer from Boone County.

REMOVAL OF OFFICIALS. Article IV, Section 17, of the Constitution plainly states that "All appointive officers may be removed by the governor", reflecting a principle of executive responsibility generally accepted on federal and state levels alike. In practice, however, the removal power is more easily exercisable with respect to the single heads of agencies, who do not have definite terms, than with respect to the boards and commissions. Even the President of the United States occasionally discovers that it is not as easy to get rid of some officials as it was to appoint them (the federal Supreme Court in the Humphrey case of 1935 ruled that a member of an independent regulatory commission could not be dismissed for partisan reasons alone).

Not enough test cases have arisen in Missouri to indicate the actual extent of the Governor's removal power. During his campaign for the gubernatorial nomination in the summer of 1952 Phil M. Donnelly, with one term in the governorship already behind him, declared that he would not hesitate to discharge an entire board of election commissioners if their conduct were such as to shake the confidence of the people in the free ballot. Although the Governor possesses statutory authority to remove election commissioners "for official misconduct" prior to the expiration of their terms, Mr. Donnelly's vigorous assertion of readiness to use the power in a more general way suggested a possible flexibility in the exercise of the authority.

REGULATING THE SPENDING OF STATE FUNDS. The Governor has two special powers over the spending of the state's money. One of these, used a great deal and not possessed by the President in the federal sphere, is the item veto, which may trim appropriation bills to conform to gubernatorial policy. The other is the power to control the rate of spending by any agency, and even to reduce its expenditures, after the appropriation law has been passed, if the Governor finds that revenues are not coming into the treasury as fast as had been anticipated.

LEGISLATIVE POWERS OF THE GOVERNOR. A very important group of the Governor's powers relate to the making of laws by the legislative branch. Being the nominal leader of his party in the state the Governor may bring a strong influence to bear on the legislature, particularly when his party has a dependable majority in that body. The extent of this influence depends of course upon his personal strength and powers of persuasion as compared with similar qualities of the leading Senators and Representatives; also to be taken into account is the fact, noted earlier, that party cooperation between governor and legislature throughout the states is traditionally weaker than that between President and Congress.

The specific legislative powers vested in the Governor by the Missouri Constitution are the power to send messages, the power to veto bills, and the power to call special sessions.

He may deliver messages to the legislature as frequently as he chooses, but is required to do so at the beginning and end of every regular session, and to send a budget message within 30 days after the opening of the session. These messages state his views on various problems of legislation and often include specific recommendations. Especially important is the budget message in which he forecasts the amounts needed to run the government and the revenues to be expected. The appropriations recommended in the Governor's budget message have priority over other appropriation measures introduced by members of the General Assembly. The Governor usually delivers his regular messages in person before a joint meeting of the two houses.

The veto power was briefly noted earlier (chap. 9). The first instance of its use was in 1820, when Governor McNair vetoed a bill providing extra compensation for members of the General Assembly. This veto, incidentally, was also the first of the very few ever to be overridden in Missouri up to the present time. In 1833 Governor Dunklin vetoed seven divorce bills, all of which were overridden. Apparently the last instance of overriding occurred in 1838 when Governor Boggs attempted by veto to prevent the establishment of a criminal court in St. Louis County.

Both full and item vetoes are now used freely by Missouri Governors (see table in chapter 9). The privilege of vetoing items of appropriation, not enjoyed by the President of the United States, is possessed by the governors of 39 states. In Missouri it was first granted in the constitution of 1875, and the first instance of its use was in 1877 when Governor John S. Phelps reduced a \$70,000 appropriation for the St. Louis County Asylum. This power to strike out or reduce an item of appropriation makes it difficult for the legislature to force through an unpopular or unwise "rider". The only exception to the exercise of the power is that the Governor "shall not reduce any appropriation for free public schools, or for the payment of principal and interest on the public debt" (Constitution, Article IV, Section 26). A spirited controversy arose in 1953 over Governor Donnelly's precedent-breaking veto of a \$9,250,000 item for the public schools. He argued that, in conformity with a 1945 statute, the complete veto of an item could not be considered a "reduction". Attempts to get the Missouri Supreme Court to declare the veto unconstitutional failed when the Court in February 1954 refused to order the funds to be paid.

Can descriptive items, as well as sums of money, be stricken out by the Governor? In the state of Washington the item veto may apply to any bill containing items or sections. The Missouri constitutional provision refers simply to "items or portions of items of appropriation

of money." On at least two occasions Missouri Governors have assumed that the veto of descriptive (nonmonetary) items is permissible, though in each case an appropriation bill was involved. In 1948 Governor Phil M. Donnelly removed from an appropriation bill a clause which provided for the location of a proposed state office building, arguing that such clause was unconstitutional since only the board of public buildings in the Department of Revenue could select the site. In 1952 Governor Forrest Smith, while approving an appropriation for the establishment of a four-year medical school at Columbia, struck out a clause which would have allowed part of the funds to be used for the purchase of new land for a site; he did not accompany his veto with reasons. Unsuccessful protests to Governor Smith's action argued that this use of the item veto was impermissible, and that in effect he had vetoed the entire act.

The item veto opens up an expanded field for the executive in the lawmaking process. It, together with the power to reduce expenditures after an appropriations law has gone into effect, constitute significant executive inroads on the once sacred "power of the purse" possessed by the legislative branch.

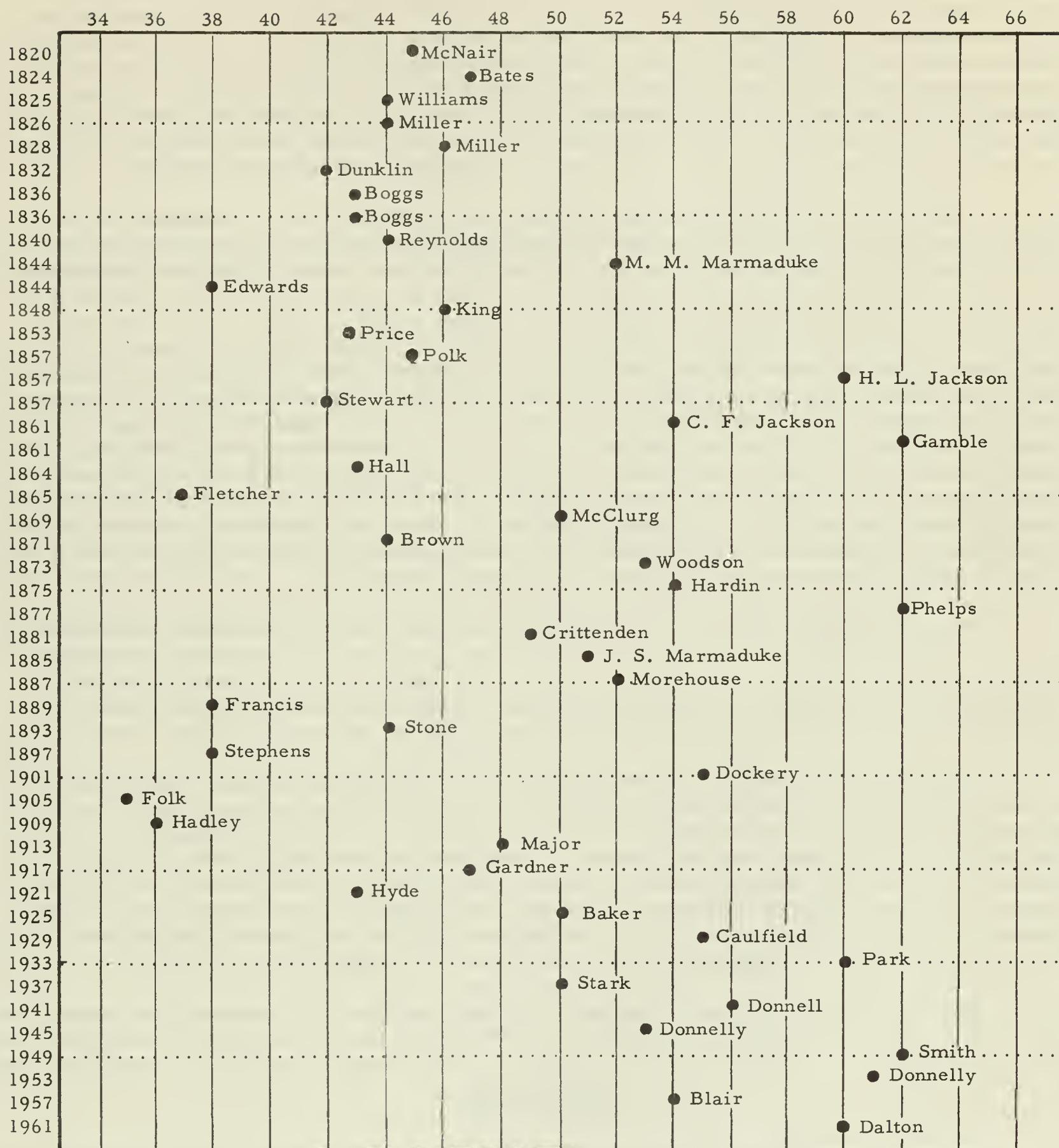
The fact that vetoes occurring at the end of a legislative session are absolute (since the legislature does not have the chance to override them) was brought forcefully to public attention in 1956 in the controversy over a proposed constitutional amendment to establish annual legislative sessions. One feature of the proposal provided for a mandatory "veto session" of the General Assembly after the close of any regular session if the Governor vetoed any act or reduced any appropriation passed during the closing days of the session. The amendment was defeated, possibly chiefly because of the veto session feature, but the full arguments on each side did not receive a broad public hearing because of the overshadowing presidential election. The incumbent Governor Donnelly and four past Governors (Smith, Donnell, Stark and Caulfield) all spoke out strongly against it. Proponents of the measure failed to present a vigorous and prompt campaign in its behalf. Such an amendment would undoubtedly have altered the balance of power between Governor and General Assembly in favor of the latter. There are many who believe the legislature needs such strengthening, particularly in view of the fact that much of the important legislation is enacted in the closing days of the session and is therefore completely subject to the Governor's discretion.

Another legislative power of the Governor is the calling of special sessions of the General Assembly. Such sessions are limited in their deliberations to only those matters referred to them by the Governor. In the entire history of the state prior to 1952 only 26 extra sessions occurred--an average of one every five years. When the 1952 amendment was adopted limiting the length of regular sessions, it soon appeared that one or two extra sessions would probably be needed every biennium to take care of unfinished business. If and when the state adopts a constitutional amendment providing for annual legislative sessions, such as was attempted unsuccessfully in 1956, the likelihood of special sessions will practically vanish.

THE PARDONING POWER. Except for treason and cases of impeachment, the Governor may "grant reprieves, commutations, and pardons" to people who have been convicted of crime. A reprieve is a temporary postponement of punishment, as when the Governor orders an execution to be put off 48 hours pending possible presentation of new evidence. A commutation is a reduction in the punishment. A pardon is a relatively complete release from penalty.

Outright pardons, in the sense of releasing convicts from the penitentiary, are extremely rare, occurring perhaps only once in a decade. Also rare are commutations where the Governor will order a major reduction in the sentence given to a convicted person. Over the four-year period of a Governor's term of office only one or two commutations of this type are likely to be granted. Much more common, coming at the rate of possibly 100 a month, are the routine reductions in time-to-be-served based on faithful work at prison factory and farm or on blood donations. Such reductions are technically commutations since they are administered in accordance with a schedule approved by the Governor.

AGE OF MISSOURI GOVERNORS ON ASSUMING OFFICE



MISCELLANEOUS POWERS. The Governor commissions all public officers except those whose commissions are otherwise provided for by law. He issues writs of election to fill vacancies in either house of the General Assembly and Congress, and may call special elections for action on proposed amendments to the Missouri Constitution. He signs all land patents issued by the authority of the state and, with the State Auditor, approves the bank depositories for all state funds. By virtue of his office he is a member of several boards and commissions, such as the board of fund commissioners and the board of public buildings. The Governor is the official channel of communication between Missouri and other states and with the federal government. All extradition proceedings require his signature (chap. 18). As ceremonial chief of state his presence is expected at numerous functions and occasions.

DOES THE GOVERNOR HAVE ENOUGH EXECUTIVE POWER? Although the Governor has a generous constitutional allotment of formal powers over the legislative process, these being in some respects even greater than presidential powers over national legislation, the overall picture with regard to his executive position is not so impressive. Prior to the Constitution of 1945 the Governor's powers were mostly statutory--that is, they had built up as new legislation was passed by the General Assembly. The new Constitution contains a fuller statement of his powers, and those that are so stated are of course beyond the reach of legislative restriction; most of the powers noted in this chapter are of this character. Although they may suggest that the governorship is a very powerful office, actually, as is true in almost all other states, a general tradition of weakness has carried over from earlier times and constitutions. This factor, plus absence of strong party discipline, lack of a full ordinance-making power, separate accountability to the electorate of the Attorney General and the Secretary of State, absence of the tradition of a "cabinet" relationship with the appointive heads of departments, and denial of the opportunity to succeed himself in office combine to make it difficult for a capable Governor to maximize his potential powers.

In spite of these hindrances, the possibilities which the new Constitution does present for an enlarged role for the Governor over what it was prior to 1945 should not be underestimated. As time passes, it is to be expected that some holders of the office will find ways to develop a tradition of greater vigor and leadership. There was some indication of this in the administrations of Governor Blair (1957-1961) and Governor Dalton (1961-1965).

WHO ARE MISSOURI'S GOVERNORS? John M. Dalton was the forty-fourth man to hold the title of Governor of the State of Missouri. Three of the forty-four--John Miller, Lilburn W. Boggs, and Phil M. Donnelly, had more than one term in office; Donnelly is the only person to have served two complete terms. Five Lieutenant Governors--Daniel Dunklin and Blair--were subsequently elected Governor but did not first inherit the office from a predecessor as did Boggs. Only one President Pro Tem of the Senate has inherited the governorship--Abraham J. Williams in 1825. The state has had one "provisional Governor," Hamilton R. Gamble, elected by the state convention in 1861 at the beginning of the Civil War.

The average age of Missouri Governors on entering the office, through the inauguration of Dalton in 1961, was 49. Gamble, Phelps, and Smith were the oldest to be inaugurated, each being 62 at the time. Folk at 35 was the youngest. Seven assumed the office in their 60s, fourteen in their 50s, twenty in their 40s, and six in their 30s. There is a trend away from accession at an early age; since 1921 no Governor has been less than fifty years old.

As to occupation, more than half of the forty-three were lawyers, about one-third were business men, and the remainder were scattered among various pursuits. Apparently no Governor was principally a farmer in his mature life prior to becoming chief executive.

Twenty-two of Missouri's Governors were born in the southern states--a dozen in Kentucky, seven in Virginia, two in Tennessee, and one in South Carolina. Four were born in northeastern states (Pennsylvania, New York, Delaware, and Connecticut), one in Ohio, and

one in Kansas. Missouri's first native Governor was Thomas C. Fletcher of Herculaneum, elected in 1868. The other fifteen Missouri-born Governors were from as many different counties, mostly in the northern half of the state. All Governors from Hyde (1921-25) onward were born in Missouri.

At the time of their election twelve Governors were residents of the St. Louis area, three lived in Jefferson City, three in St. Joseph, one in Kansas City, one in Independence, two in Cooper County, two in Pike County, two in Ray County, two in Saline County, and the remaining fifteen in as many other counties. None resided in southeast Missouri or the eastern Ozarks area except Daniel Dunklin of Washington County (John M. Dalton had a voting address and business interests in Dunklin County, but resided in Jefferson City as Attorney General for the eight years prior to assuming the governorship).

Three-fourths of the Governors had residences in counties bordering on either of the two main rivers in the state, and about two-thirds of the Governors native to Missouri were born in such counties. It may be noted that the early settlement of Missouri was principally along the major rivers.

Previous experience in public office can be claimed by all of Missouri's Governors except Stark and Donnell. Eleven had held high office in the state's executive branch other than the lieutenant governorship. Seventeen had been members of the Missouri legislature, though these were mostly in the early period; after 1887 only Major, Donnelly, and Blair had served in the General Assembly prior to becoming Governor. Only six Governors had had judicial experience in Missouri, the most recent being Park. Fifteen had held county office. Positions in city government were held by twelve, nine of these being Governors who served after 1888. Only six had served in a constitutional convention, Park being the only one of this category since the Civil War. Nine Governors had served in the lower house of Congress, and one (B. Gratz Brown) in the United States Senate. Four had held office in other states before coming to Missouri; of these Thomas Reynolds was probably outstanding, having served Illinois as clerk of the house of representatives, attorney general, speaker of the house of representatives, and chief justice of the supreme court.

What has been the subsequent public career of Missouri Governors? The office certainly has not proved to be a dependable stepping stone to other high office. Only three Governors--Polk, Stone, and Donnell--subsequently became United States Senator; three others--Folk, Caulfield, and Stark--sought this office but were defeated, either in the primary or in the general election. Miller and King were the only ones to enter the lower house of Congress. Brown made an unsuccessful attempt at the Vice Presidency as Greeley's running mate in 1872. Seven Governors received federal appointive jobs, the more important ones being that of Consul-general to Mexico (Crittenden), Secretary of Agriculture (Hyde), Secretary of the Interior (Francis), and ambassador to Russia (Francis). M.M. Marmaduke and Guy Park subsequently served in Missouri constitutional conventions. Lilburn Boggs is the only Governor who later served in the Missouri legislature. Sterling Price became state bank commissioner after leaving the governorship. Boggs, Edwards, and Hadley held minor public office in other states subsequent to their terms as Governor. As was noted earlier, Phil M. Donnelly has the unique distinction of acquiring the governorship a second time after an interval out of office.

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PREVIOUS AND SUBSEQUENT PUBLIC OFFICES HELD BY MISSOURI GOVERNORS

| Governor | Previous public office | | | | | | | | | Subsequent public office | |
|-------------------------|------------------------|-------------------|----------------------------|------------------------------|-----------|--------|-----------|---------------------------|--------------------|--------------------------|--|
| | Lieutenant Governor | State Legislature | State Executive (elective) | State Executive (appointive) | Judiciary | County | Municipal | Constitutional Convention | Federal (elective) | | Federal (appointive) |
| McNair (1820-24) | | | | | x | x | x | x | | x | Federal Indian Agent. |
| Bates (1824-25) | | | | | | | | | | xxx | |
| Williams (1825-26) | | S | | | | | | | | | |
| Miller (1826-32) | | | | | | | | | | x | U. S. House of Representatives. |
| Dunklin (1832-36) | x | | | | | | | | | x | Federal surveyor-general. |
| Boggs (1836-40) | x | S | | | | xx | | | | | Missouri Senate; alcalde in California. |
| Reynolds (1840-44) | | H* H | | x* | x* x | | | | | | |
| Marmaduke, M. M. (1844) | x | | | | | x* xx | | | | x | Constitutional convention of 1845-1846. |
| Edwards (1844-48) | | H | | x | x | | | | H | | Mayor of Stockton, California. |
| King (1848-53) | | H | | | x | | | | | | U. S. House of Representatives. |
| Price (1853-57) | | H | | | | | | | H | | State bank commissioner; state convention of 1861. |
| Polk (1857) | | | | | | | x | x | | | U. S. Senate. |
| Jackson, H. L. (1857) | x | S | | | | x | | x | | | U. S. marshal. |
| Stewart (1857-61) | | S | | | | | | x | | | State convention of 1861. |
| Jackson, C. F. (1861) | | H S | | x | | | | x | | | |
| Gamble (1861-64) | | H | | x | x | xx | | | | | |
| Hall (1864-65) | x | | | | | x | | | H | | |
| Fletcher (1865-69) | | | | | | x | | | | | |
| McClurg (1869-71) | | | | | | | x | | | | |
| Brown (1871-73) | | H | | | | | | | H | | U. S. Land Office. |
| Woodson (1873-75) | | H* | | | | x* | | x* | | | Judge of county criminal court. |
| Hardin (1875-77) | | HS | | | x | x | | | | | |
| Phelps (1877-81) | | H | | | | | | | H | | |

| Governor | Previous public office | | | | | | | | | Subsequent public office |
|-----------------------------|------------------------|-------------------|----------------------------|------------------------------|-----------|--------|-----------|---------------------------|--------------------|---|
| | Lieutenant Governor | State Legislature | State Executive (elective) | State Executive (appointive) | Judiciary | County | Municipal | Constitutional Convention | Federal (elective) | Federal (appointive) |
| Crittenden (1881-85) | | | | x | | | | | H | Consul-general to Mexico. |
| Marmaduke, J. S. (1885-87) | | | | x | | | | | | |
| Morehouse (1887-89) | x | H | | | | | | | | |
| Francis (1889-93) | | | | | | | x | | | Secretary of Interior; ambassador to Russia. |
| Stone (1893-97) | | | | | | x | | | H | U. S. Senate |
| Stephens (1897-1901) | | | x | x | | | | | | |
| Dockery (1901-05) | | | | | | x | xx | | H | Assistant postmaster general. |
| Folk (1905-09) | | | | | | x | | | | |
| Hadley (1909-13) | | | x | | | x | x | | | Counsel for Colorado State Road Commission. |
| Major (1913-17) | | S | x | | | | | | | |
| Gardner (1917-21) | | | | | | | x | | | |
| Hyde (1921-25) | | | | | | | x | | | Secretary of Agriculture. |
| Baker (1925-29) | | | x | | | | | | | |
| Caulfield (1929-33) | | | | | x | | xx | | H | Board of election commissioners (St. Louis); director public welfare (St. Louis). |
| Park (1933-37) | | | | | x | x | x | x | | Constitutional convention of 1943-1944. |
| Stark (1937-41) | | | | | | | | | | |
| Donnell (1941-45) | | | | | | | | | | U. S. Senate. |
| Donnelly (1945-49, 1953-57) | | H S | | | | x | x | | | |
| Smith (1949-53) | | | x | x | | xx | | | | |
| Blair (1957-61) | x | H | | | | | xx | | | |
| Dalton (1961-) | | | x | | | | | | | |

More than one "x" denotes more than one office held, not additional terms in one office.
Asterisk indicates office held in another state.
"H" and "S" indicate House of Representatives and Senate, respectively.

Chapter 12

ADMINISTRATIVE ORGANIZATION

Passing from the Governor to the administration generally, one finds a group of large departments which in turn are broken down into divisions, bureaus, boards, commissions, and other agencies. Each of these blocks of government has some particular kind of law to administer--some special corner of public affairs for which it is responsible. It may be highways, frozen food lockers, sales tax, or state fair. It may be the penitentiary, drivers' licenses, or the University of Missouri.

In the interest of improved operation and control, the Constitution of 1945 specifies that all administrative agencies shall be grouped into a few big departments. Article IV, Section 12, reads in part: "Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane." This constituted one of the major improvements of the new Constitution over its predecessor. Decade after decade agencies and boards had been created as demand arose, some of them finding lodgment in previously existing administrative departments but many becoming quasi-autonomous bits of government over which there was little if any effective control except for the legislature's biennial appropriation acts. The Constitution of 1945, for the first time in Missouri's history, attempted to provide the basis for coordinating and systematizing this sprawling structure. Complete coordination could not, of course, be achieved overnight. There remain today certain agencies which, although "assigned" to one or another of the big departments, continue in fact largely if not completely independent of the stepparent. Indeed, a premature enforced integration of some of these might do more harm than good. As time passes and opportunities appear, the situation will undoubtedly be improved along lines marked out by the new Constitution and suggested by the State Reorganization ("Little Hoover") Commission in 1955.

The Commission itself constituted a significant step forward. On the urging of Governor Donnelly in his second inaugural address, the 67th General Assembly in the spring of 1953 provided for the creation of a 12-member Commission to study the various state agencies and make recommendations for improved efficiency and economy, both in the structure and the functioning of the agencies. The Commission, consisting of four Senators, four Representatives, and four members appointed by the Governor, plus a competent research staff drafted from the universities, made its report to the Governor and to the 68th General Assembly in January 1955. Response by this General Assembly was disappointing--all 22 Senate measures and all 31 House bills, introduced directly as a result of the Commission's report, died. Three bills introduced independently succeeded in getting through--a Senate bill to integrate the grain warehouse department with the Department of Agriculture, a House bill to set up a state banking board within the division of finance of the Department of Business and Administration, and a House bill reorganizing the top administration of the Missouri State Library. The Senate ordered an interim study of how the reorganization recommendations might be made more effective in the next General Assembly, but the study was not carried out due to the voiding of the various interim commissions by the Attorney General in July 1955. Another recommendation achieved success in the fall of 1956 with the adoption of a constitutional amendment providing for the investment of idle state funds. The 69th General Assembly, which completed its regular session in May 1957, added a little more to the score sheet, including the establishment of an interim committee to review the progress thus far and to report to the 70th General Assembly. This report, made in January 1959, revealed that 48 of the 112 recommendations made by the Commission in 1955 had been substantially carried out, either through legislation or through administrative action.

Although much remains to be done, some progress is evident every year or so, and it is

only fair to admit that, on the whole, administration in Missouri is reasonably efficient and effective compared with most other states. There is inevitably something of a time lag in the response of laws and administration to the increasing size and complexity of the operations of modern government. To reduce this lag to the smallest span possible should be a continual goal. Realistically considered administrative reorganization is a permanent rather than a periodic task, never completely realized and constantly adjusting to new requirements.

Turning to the present structure, there are five main elective departments and nine appointive departments. To these are assigned all boards and agencies of the executive branch. In varying degrees the head of each of the fourteen groups controls or supervises the bureaus and functions within it. The Constitution permits the General Assembly to create one more appointive department if and when needed, which would increase the grand total to fifteen. Six of the nine appointive departments are named specifically in the Constitution, with some of their functions and organization also being marked out. The other three are entirely statutory and hence more completely subject to legislative control. At the present time the list is as follows:

ELECTIVE DEPARTMENTS

1. Governor
2. State Auditor
3. Secretary of State
4. Attorney General
5. State Treasurer

APPOINTIVE DEPARTMENTS

Constitutional

6. Department of Revenue
7. State Highway Department
8. Department of Agriculture
9. Department of Public Health and Welfare
10. Department of Conservation
11. Department of Education

Statutory

12. Department of Business and Administration
13. Department of Corrections
14. Department of Labor and Industrial Relations

The first five offices on the list are elective, and for a term of four years. As to the others the Constitution states: "The heads of all the executive departments shall be appointed by the governor, by and with the advice and consent of the senate. All appointive officers may be removed by the governor and shall possess the qualifications required by this Constitution or by law." (Article IV, Section 17). Relationships are shown in the diagram inside the front cover.

DIVISIONS ATTACHED TO THE GOVERNOR'S OFFICE. The administrative agencies which are a part of the Governor's own office consist of the state highway patrol, the state military department, the division of civilian defense, the liquor control department, five boards of election commissioners, and three boards of police commissioners. The titles of these agencies indicate their essential character, which is law enforcement.

The highway patrol is headed and administered by a superintendent appointed by the Governor and serving at his pleasure rather than for a stated term. All personnel below the level of the superintendent are hired through careful screening and examination but on a bipartisan basis--half Democrats and half Republicans. Appropriations for the highway patrol are channeled mostly through the State Highway Department, to be noted later, but the patrol itself is administratively separately from that Department.

The state military department, technically headed by the Governor as commander in chief, is administered by the adjutant general, an appointee of the Governor. This department is organized in tight military fashion as might be expected. One official somewhat outside the regular lineup is the state service officer, whose duties are to assist veterans and their dependents in obtaining benefits to which they are entitled under state and federal laws. He is appointed by the Governor for a four-year term and is removable by him "for cause".

The division of civil defense, commonly known as the civil defense agency, was created by statute in July 1951. It was a revival of the former state council of defense, and has since been renewed at two-year intervals until 1961, when the legislature gave it permanent status. The chief administrative officer is a director appointed by the Governor and serving at his pleasure. The jurisdiction of the agency extends to natural disaster as well as civil defense.

The liquor control department is headed by a supervisor appointed by the Governor and serving at his pleasure. The supervisor is charged with administering the state's liquor laws, which involves the issuing and suspension of licenses and the issuing of regulations applying to licensees. Appointed by the supervisor, with the Governor's approval, are all other agents and assistants in the department. These appointments are bipartisan--divided between the two major political parties.

The Governor appoints boards of election commissioners for St. Louis City, St. Louis County, Kansas City, Jackson County, and Clay County. Due to their large populations these areas are felt to need such special safeguard for their elections. The boards administer the elections in their respective areas, making all preparations including the hiring of election officials. Each board has four members, two from each political party. The Governor designates the chairman and secretary of the board, who must be of different political parties. The term of office is four years. Commissioners may be removed by the Governor for official misconduct after notice and hearing.

Boards of police commissioners, of four members each, are appointed by the Governor for St. Louis City, Kansas City, and St. Joseph. These too have four-year terms and may be removed by the Governor for official misconduct. The statutes do not specify bipartisan membership for these boards.

THE ELECTIVE DEPARTMENTS. It was noted in the previous chapter that one element of weakness in the Governor's position was the separate accountability to the electorate of several important executive heads. The Attorney General, Secretary of State, State Treasurer, and State Auditor are all elected by the people for four-year terms of office. Federal officials comparable to the first three of these are all appointed by the President; they are responsible to him and serve in his cabinet. The fourth--State Auditor--quite properly has a separate accountability.

The elective Secretary of State, like his appointive counterpart in the federal government, keeps the official documents and records of the state, including the Constitution and laws, and issues various official publications. He is the custodian of the "Great Seal," which is affixed to official documents and commissions. As chief election officer of the state he receives the declarations of candidacy for all offices involving larger areas than one county, and declares the official election results. Corporations located in the state must file their articles of incorporation with his office (the State Reorganization Commission recommended in 1955 that this function be transferred to the Department of Business and Administration, which the Commission would rename Department of Commerce). At the opening of every new session of the General Assembly he presides over the House of Representatives until it effects its own organization. He appoints a deputy secretary of state and all other officials and employees of the office. The

office is divided into several departments. The commission department prepares the commissions for state office-holders, and keeps a record of the Governor's official acts. The land department keeps the records of early land titles in Missouri, which supply important information frequently needed to clear up questions of land ownership. The corporation and securities department keeps on file the articles of incorporation of business firms; it also licenses and regulates all dealings in stocks, bonds, and other securities. The publications department compiles, edits, and publishes the Journals of the two houses of the General Assembly, the biennial collections of the Laws of Missouri, the Official Manual of the State of Missouri (commonly called the Blue Book), the Newspaper Directory, and some twenty other publications.

The State Treasurer and the Governor are the only state officials not permitted by the Constitution to serve successive terms. The duties of the Treasurer are three: (1) to receive the state funds from the Department of Revenue which collects them; (2) to keep these funds safely; and (3) to pay them out whenever and to whomever the Comptroller permits. About 250,000 checks per month go through this office, most of them for old-age assistance, general relief, and aid to dependent children. The Treasurer is a member of the state board of fund commissioners which handles all matters concerning the bonded indebtedness of the state. To aid in the discharge of his duties the Treasurer appoints a chief clerk (his first assistant) and all other officials and employees of the office.

The Attorney General is in theory the legal representative of the state. Most of his powers and duties are defined by the common law, making it unnecessary for them to be fully enumerated by the legislature. One of the more important duties is to render official legal opinions to the Governor, General Assembly, and various state officials on matters concerning their powers and responsibilities. He is also the lawyer for the state in all Supreme Court cases to which the state is a party. Under certain circumstances he assists the county prosecuting attorneys in the discharge of their functions. He is responsible for collecting delinquent taxes and for supplying legal action needed to enforce the liquor laws. He serves ex officio on the board of fund commissioners, the board of public buildings, and the Governor's committee on interstate cooperation. The staff of the Attorney General's office are all appointed by him and serve at his pleasure. Included are about forty assistant attorneys general, most of them employed only part time.

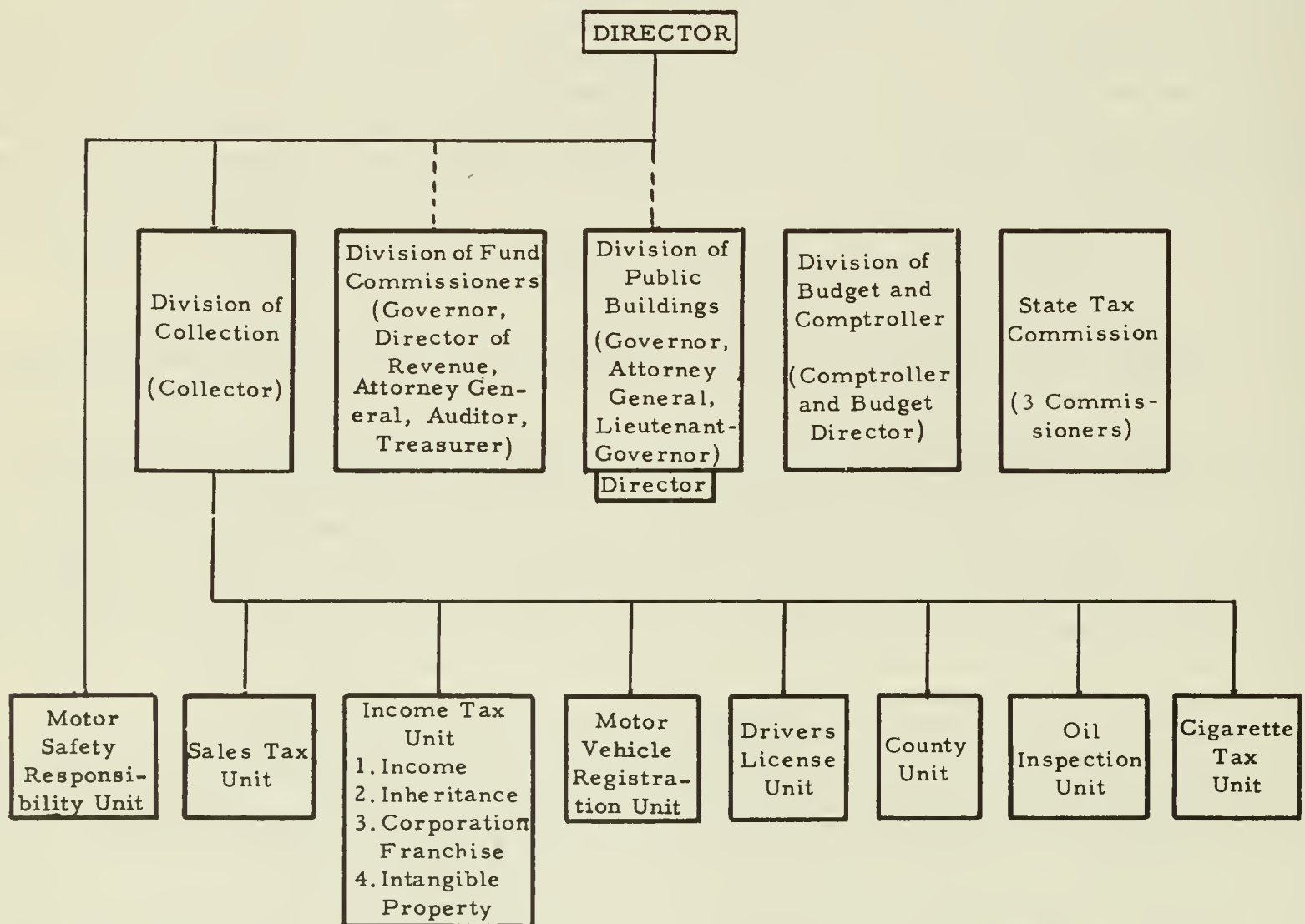
The State Auditor is elected in the by-years, which gives his term a two-year overlap with those of the other elected executive officers. Since the very nature of an audit is to check on the legitimacy of state expenditures after they have been made, the State Auditor is properly not answerable to the executive branch of the government. (On the federal level the auditing function is performed by the comptroller general, an official who, although appointed for a long term by the President, may be removed only by Congress and is answerable to that body.) The auditing and accounting duties of the office in Missouri are discharged through five subdepartments--cashier's department, state audits, county audits, special audits, and bond registration. The Auditor appoints a chief clerk and all other personnel needed for the administration of the laws applicable to his office. Further description of his responsibilities is given in chapter 13.

From the standpoint of centralized authority inside each of the elective offices noted above there is perhaps little cause for criticism. In this respect these offices have a more satisfactory **structure** than some of the appointive offices to be explained next. The desirability of election, however, can legitimately be questioned. It is not easy to explain why certain executive officials should be elected, while heads of other departments are appointed. None of the heads of departments in the federal government is elected, yet their functions and services, quite analagous to those in Missouri, appear to operate efficiently. Traditionally the states have preferred to elect more rather than fewer officials, perhaps in the belief that it is more democratic to do so. If we try to draw some line between those top Missouri officials who are elected and those who are appointed, the following distinction may be noted though admittedly with little rationalization: we elect those department heads whose duties are mainly concerned

with the higher levels of government and do not often touch the people directly; we let the Governor appoint those heads whose departments are largely concerned with direct services to and relations with the public (education, agriculture, highway patrol, revenue, etc.).

THE APPOINTIVE DEPARTMENTS. Not counting the subdivisions of the Governor's office, there are nine administrative departments whose heads are appointed. Six of the nine are mentioned in the Constitution and the other three have been established by legislative act. The Constitution permits statutory creation of an additional one if and as needed. It is further specified in the Constitution: "Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane." (Article IV, Section 12). This clause constitutes one of the most hopeful passages in the new Constitution and at the same time points to one of the biggest remaining weaknesses of state administration--lack of effective centralization inside the various departments after the agencies have been assigned to them. The purpose of the clause was to eliminate the independent status of many offices that did not "head up" anywhere. On paper such assignments have been made, but the inertia of prior separatism leaves many agencies still uncoordinated in fact. It should be admitted at this point that although integration and coordination are unquestionably good as principles of administration, actual circumstances may seem to justify, for awhile at least, continued autonomy for some particular agencies.

DEPARTMENT OF REVENUE



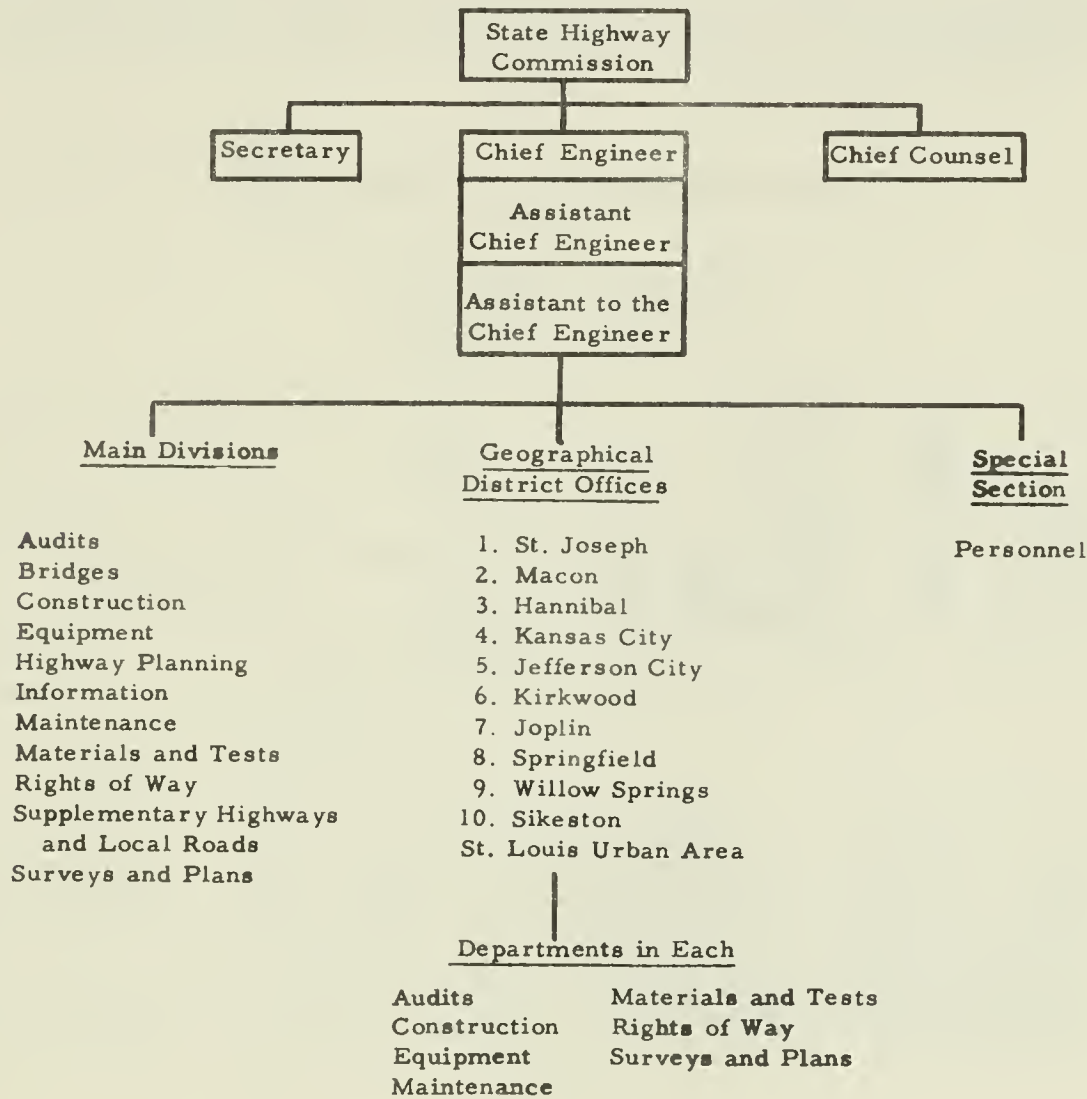
The reorganization of the Department of Revenue was one of the major reforms of the Constitution of 1945. Collection of state revenues was finally centralized in a single division of collection, and this division plus others relating to fiscal matters were combined into one

department under the authority of a Director of Revenue. The Director is appointed by the Governor and serves at his pleasure. The statutes do not give the Director large powers over any of the divisions except the division of collection, the head of which he appoints with the approval of the Governor, and the motor vehicle safety responsibility unit.

The remaining divisions have varying degrees of autonomy, which is probably as it should be since their functions relate to restraining, controlling, and providing services for other state agencies as well as the Department of Revenue. The State Reorganization Commission advised retaining much of this autonomy.

The division of fund commissioners is an ex officio body consisting of the Governor (as president), the Director of Revenue (as secretary), the Attorney General, the State Auditor, and the State Treasurer; it tends to administrative affairs incident to the bonded indebtedness of the state. The division of public buildings has general supervision over the conditions and repair of all lands and buildings owned by the state, also advises regarding the need for new buildings and draws the plans for them. It too is headed by an ex officio board consisting of the Governor, Attorney General, and Lieutenant Governor; it chooses for its chief administrative officer a director who is usually a competent engineer. The head of the division of budget and comptroller is appointed by the Governor. In 1957 the General Assembly enacted legislation putting the budget and comptroller's office almost entirely under the supervision of the Governor; Article IV, Section 22 of the Constitution, however, still requires that it be lodged administratively in the Department of Revenue. The Reorganization Commission in 1955 recommended that the two divisions of public buildings and procurement be made sections within the division of budget and comptroller; in 1958 the division of procurement, whose head is the

STATE HIGHWAY DEPARTMENT

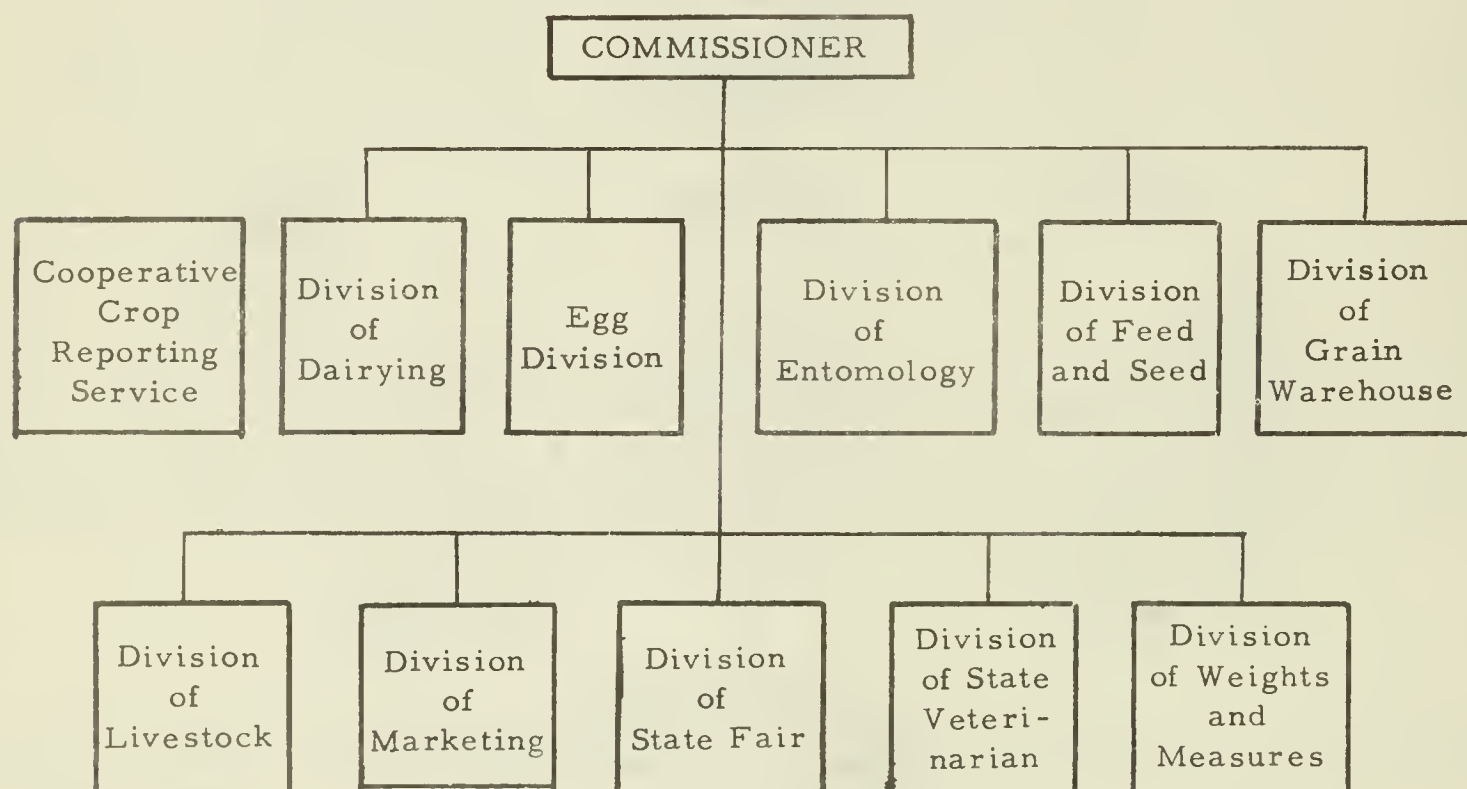


purchasing agent appointed by the Governor, was transferred by statute to the division of budget and comptroller. The state tax commission, technically assigned to the Department of Revenue, actually is quite independent of it, for the law reads "The director of revenue shall have no supervision, authority or control over such actions and decisions of the state tax commission as relates [sic] to its duties prescribed by law." This commission of three members is appointed for staggered six-year terms by the Governor, who also designates the chairman; members must be chosen from the two major political parties.

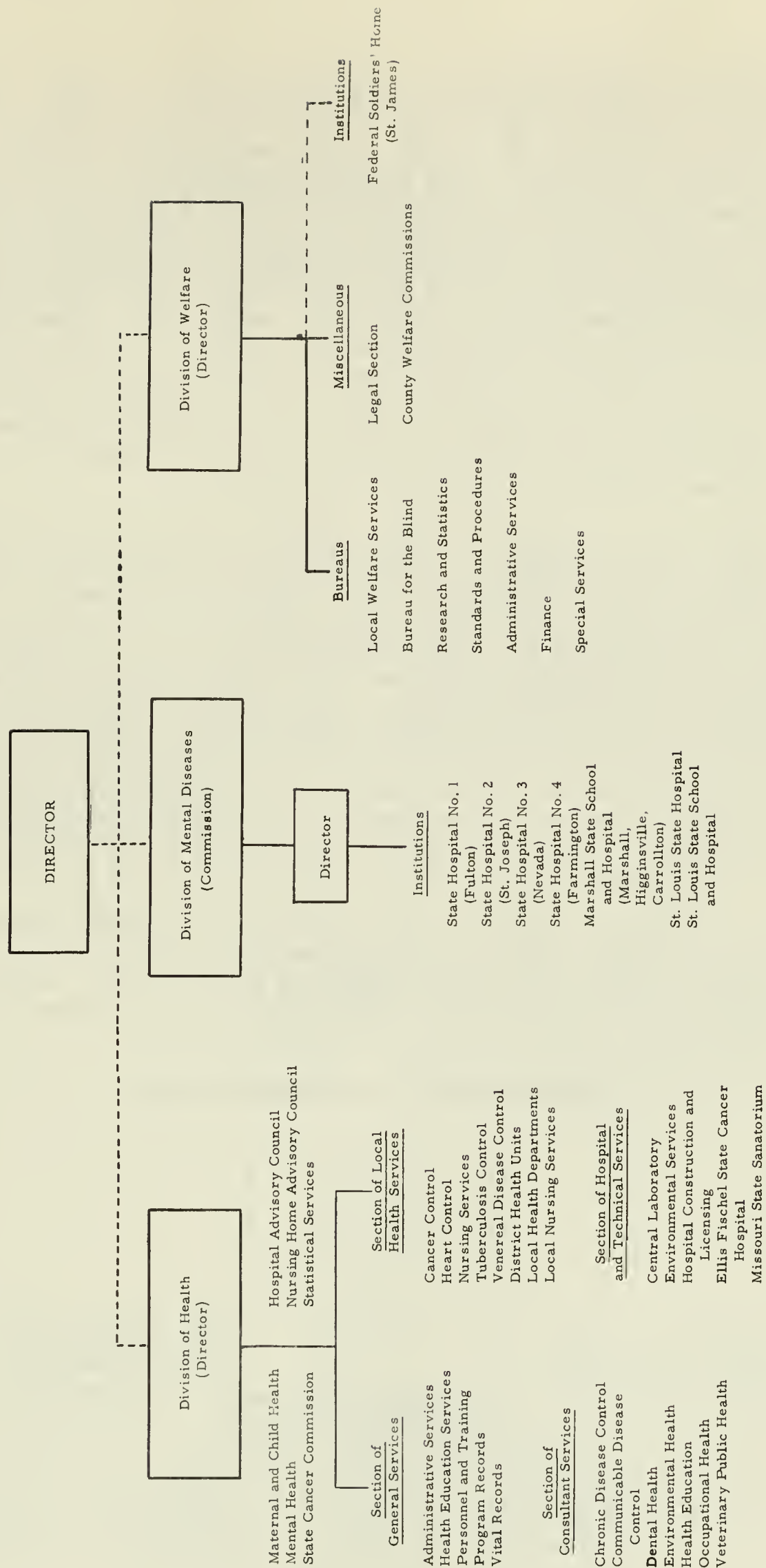
A high degree of integration characterizes the organization of the State Highway Department, one of the most efficiently functioning of all the departments. The top governing body is a non-salaried bipartisan State Highway Commission, whose four members are appointed by the Governor for staggered terms of six years each. A fifth person, the state geologist, is a member ex officio without vote. The Commission appoints the chief engineer, chief counsel, and secretary, and the chief engineer appoints other engineers and personnel with Commission approval. Although the numerous positions in the Highway Department have not yet been put under the state merit system, the bipartisan principle used in the selection of personnel has avoided the imputation of politics in the operations of the Department. The State Reorganization Commission made no extensive recommendations regarding the Highway Department, but suggested that the Highway Commission make a technical survey of the Department's auditing, accounting, property control, and statistical systems.

The Department of Agriculture, well integrated in ten of its divisions, carries out the many and varied laws on agricultural subjects. At its top is a Commissioner of Agriculture appointed by the Governor and serving at his pleasure. The Commissioner appoints the other officers and employees of the Department. Grain warehouse functions, formerly carried on independently by a grain warehouse department although technically assigned to the Department of Agriculture, were in 1955 integrated with the Department. This was done by the 68th General Assembly in response to a recommendation of the Reorganization Commission, one of the very few instances where the former was willing immediately to proceed with a reform recommended by the latter.

DEPARTMENT OF AGRICULTURE



DEPARTMENT OF PUBLIC HEALTH AND WELFARE

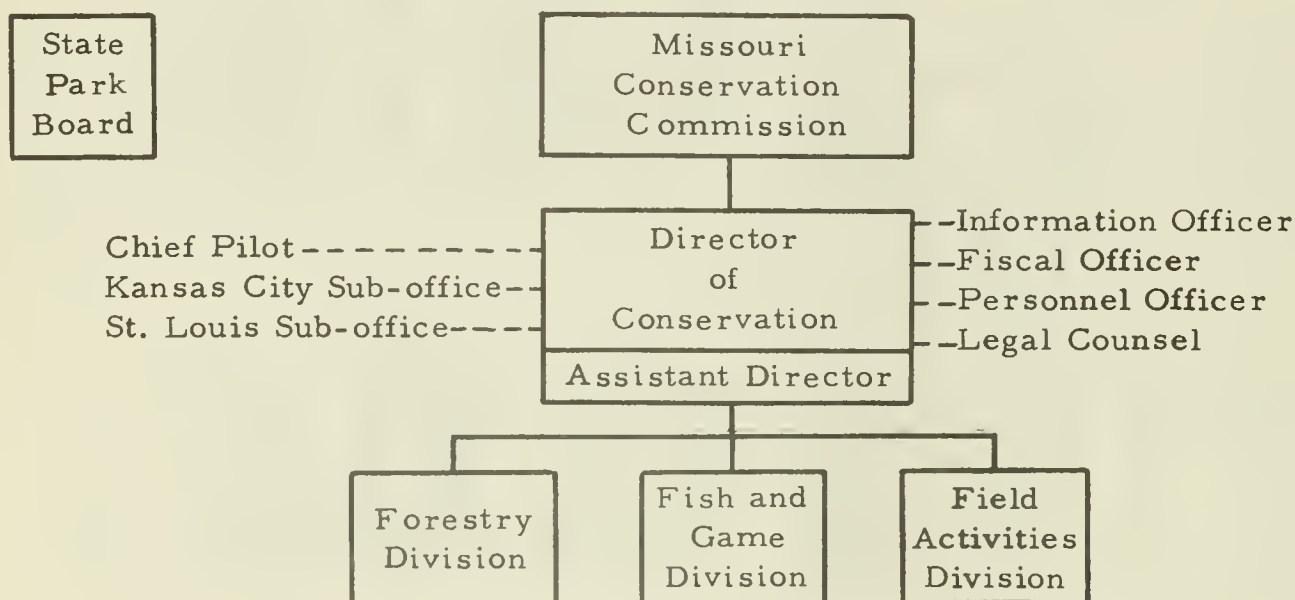


At the head of the Department of Public Health and Welfare is a Director appointed by the Governor for a four-year term and removable by him, as the law reads, "for reasons which to him appear sufficient to render such person incapable or unfit to discharge his or her official duties." The work of the Department is allocated to three divisions relating respectively to health, mental diseases, and welfare. The divisions of health and welfare are administered by directors appointed by the Governor and removable by him (the Reorganization Commission in 1955 recommended, in the interests of integration, that the divisional directors be appointed by the departmental Director). Other employees are appointed by the divisional directors in accordance with the state merit system law. Control of the division of mental diseases was reorganized in 1957, top authority being vested in a five-member state mental health commission, three of whom must be specially qualified physicians, appointed by the Governor. This commission selects a professionally competent director for administering the division, and the remaining employees are chosen on the merit system, thus removing the entire division as much as possible from politics. Internal administration of the division of health was reorganized in 1959 in line with more realistic and effective procedures; the reorganization involved considerable decentralization as compared with the previous pattern.

The state's conservation program (fish, game, forests) is controlled by a bipartisan Commission of four members appointed by the Governor for staggered six-year terms. The Commission appoints a director of conservation to administer the program, and this official, with Commission approval, appoints whatever other personnel are needed (e.g., wildlife conservation agents). The Commission, probably more powerful than any analogous state agency in the United States, is endowed with extensive rule-making authority, subject of course to judicial review. All fees and funds arising from the Commission's operations and transactions may constitutionally be used only for purposes of extending and improving the state's conservation program. In the attempt to remove this field of governmental operation as completely as possible from political interference the administrative organization and powers of the Commission were defined by constitutional amendment in 1936 and incorporated into the new Constitution of 1945 (Article IV, Sections 40-46). It was the first such commission in the United States to achieve a large measure of constitutional autonomy.

An agency technically classified within the Department of Conservation but in reality entirely apart from its control is the state park board, which administers the system of state parks. The board in its present form was established by law in 1953. Its six members, "at least three of whom shall be members of the leading party politically opposed to that to which

DEPARTMENT OF CONSERVATION

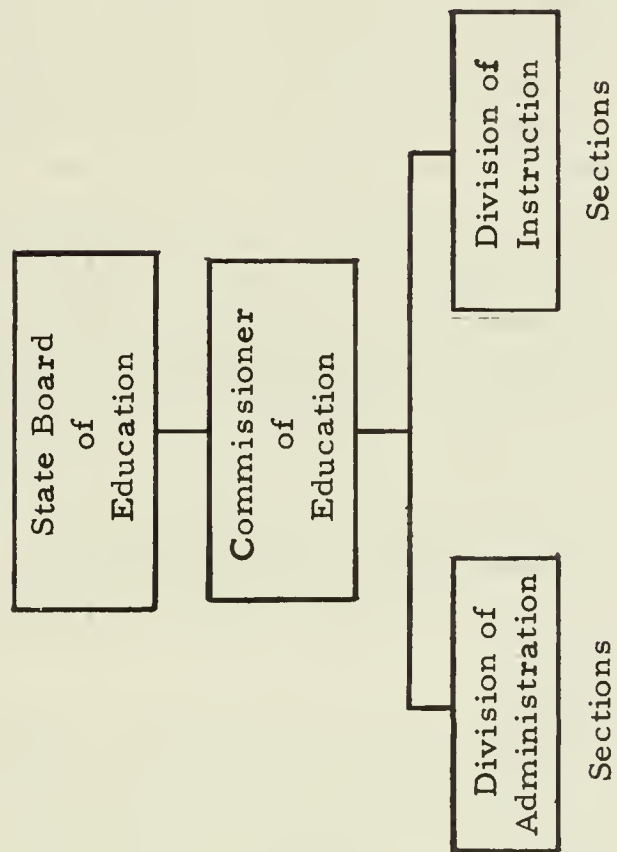


DEPARTMENT OF EDUCATION

Division of Registration and Examination

Board of Pharmacy
 Missouri Dental Board
 Missouri Real Estate Commission
 Missouri State Board of Accountancy
 Missouri Veterinary Board
 State Board of Barber Examiners
 State Board of Chiropody
 State Board of Chiropractic Examiners
 State Board of Cosmetology
 State Board of Embalming
 State Board of Nursing
 State Board of Optometry
 State Board of Registration for Architects and Professional Engineers
 State Board of Registration for the Healing Arts

Division of Public Schools



Division of Institutions

University of Missouri (Columbia)
 Lincoln University (Jefferson City)
 Central Missouri State College
 (Warrensburg)
 Northeast Missouri State Teachers College (Kirksville)
 Northwest Missouri State College (Maryville)
 Southeast Missouri State College (Cape Girardeau)
 Southwest Missouri State College (Springfield)
Miscellaneous Agencies
 Missouri State Anatomical Board
 State Fruit Experiment Station
 State Historical Society of Missouri
 Missouri State Library
 State Poultry Experiment Station
 State Soil Districts Commission
 Public School Retirement System
 Missouri Commission on Human Rights

the governor belongs," says the law, are appointed by the Governor for staggered four-year terms. The board appoints a director of state parks and other needed personnel. By a provision of the Constitution of 1945 (Article III, Section 47) the General Assembly is required for fifteen years to make annual appropriations equivalent to one cent per \$100 assessed valuation of the real and tangible personal property taxable by the state for the purpose of providing a state park fund. This state park fund is being used for the development and extension of the park system. A constitutional amendment adopted in November 1960 extended the state park fund for another twelve years, through 1972. The state park board's authority includes the construction and operation of recreational housing facilities in the parks through revenue bonds and also, under certain circumstances, the operation of concessions in the parks.

Of all departments the Department of Education is probably the most highly decentralized, containing more agencies that continue in what amounts to practically autonomous operation than any other department. The division of public schools is the only division of the Department with any internal integration. At the head is a non-salaried eight-member bipartisan lay board of education appointed by the Governor for staggered eight-year terms. The board selects and appoints a commissioner of education to carry out the state laws relating to public schools; the board also appoints, on the recommendation of the commissioner, such other professional staff as is needed. In 1957 the legislature designated the board of education as the agency to receive and distribute federal surplus property. Neither the board nor the commissioner has any authority over other divisions of the Department of Education.

A second division is that of registration and examination; it has no head and no organization but is simply a statutory designation for fifteen boards that issue licenses and regulations for various professions (excluding law which is handled by the state board of law examiners appointed by the Supreme Court and attached to the judicial branch of government). The activities licensed through these agencies are indicated on the chart. Members of the examining boards are appointed by the Governor, and for overlapping terms (except the board of barber examiners) so as to achieve continuity in policy. Members are paid a per diem to cover expenses incurred in attending the meetings of their board. The Reorganization Commission recommended that this division be transferred to the Department of Business and Administration (which it would rename Department of Commerce), and be put under the integral control of that department's Director.

A third division, also without a single head or any sort of integration, consists of the tax-supported institutions of higher learning in the state, listed on the chart under the heading "division of institutions." The University of Missouri, with its various divisions at Columbia and Rolla, is governed directly under Article IX, Section 9, of the Constitution, the first sentence of which reads: "The government of the State University shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the Senate." The board is bipartisan and has six-year staggered terms. For many years a five-member board of visitors, appointed by the Governor, served in an advisory capacity; this body at its own request was abolished by the state legislature in 1959. Lincoln University is controlled by a nine-member bipartisan board of curators, and each of the state colleges by a seven-member bipartisan board of regents, similarly appointed for six-year staggered terms. The Reorganization Commission in 1955 felt that the overall picture of public higher education in the state needed study with a view to maximizing the effectiveness of its various branches. Such a joint legislative study committee made recommendations to the General Assembly in 1957 regarding a measure of integration, but no action was taken.

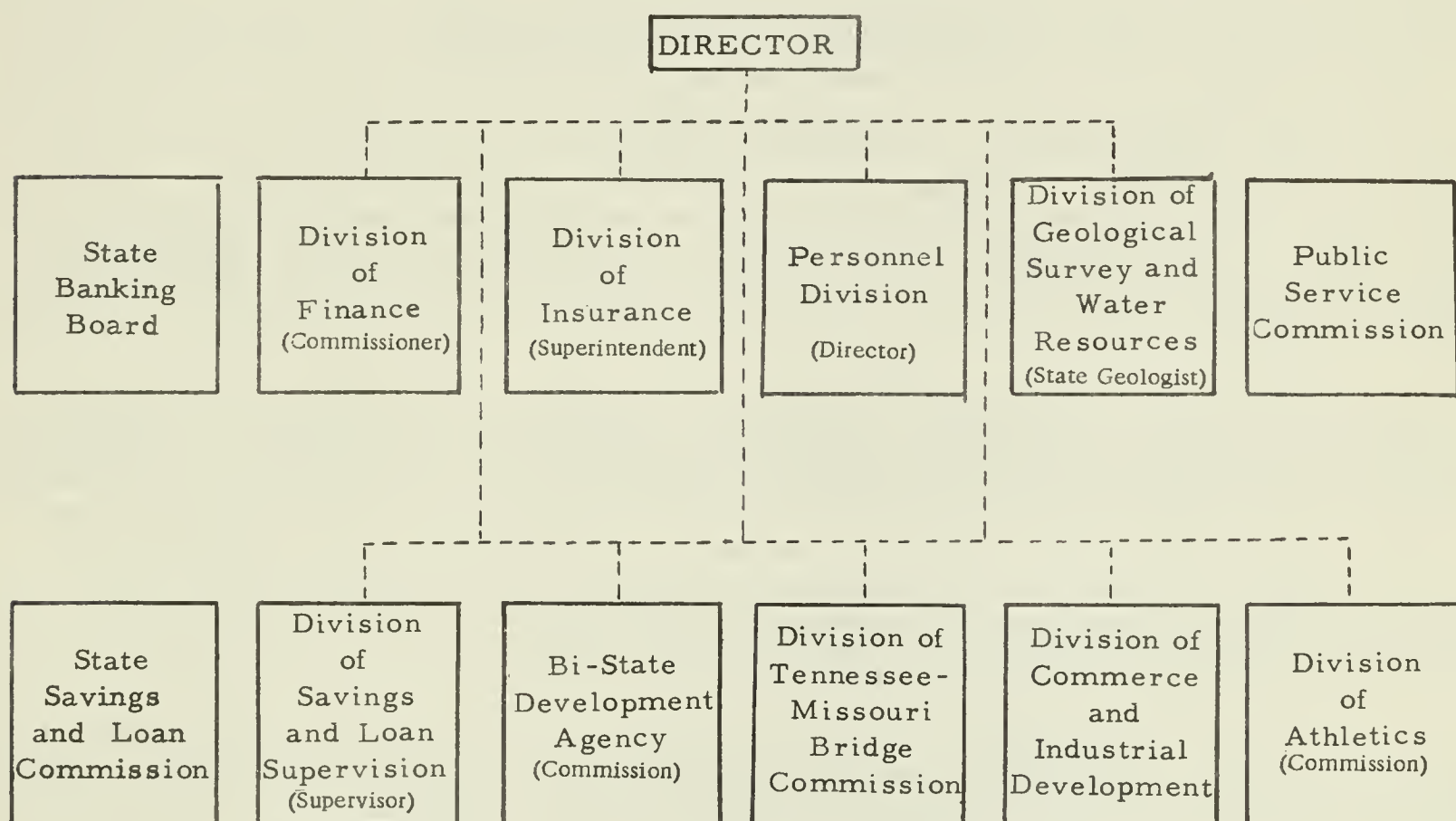
In addition to the three divisions mentioned, and entirely separate from the jurisdiction of any of them, are several other agencies assigned to the Department of Education. The Missouri state anatomical board (made up of professors of anatomy) arranges for the distribution, to medical schools, of unclaimed dead human bodies. The fruit experiment station and the poultry experiment station, both at Mountain Grove and controlled by separate boards appointed by

the Governor, carry on experimentation for the improvement of fruit and poultry (the Reorganization Commission recommended merging these with the agricultural experiment station of the University of Missouri). The state soils districts commission (three members appointed by the Governor) encourages the formation of soil conservation districts in the farm areas of the state; 38 of these were organized by mid-1959. The public school retirement system administers a pension program for teachers and administrators in the public schools and in the Department of Education. Its governing body is a board of trustees appointed half by the state board of education and half by the members of the system. The State Historical Society of Missouri, located at Columbia, has a large collection of documents and books relating to Missouri. Its affairs are controlled by an executive committee consisting of elected trustees and various ex officio members. The Missouri Commission on Human Rights was mentioned in chapter 2.

The Missouri State Library, at Jefferson City, not only maintains a large lending library but also actively promotes the expansion of community library facilities throughout the state. The library is currently administered, under the law of 1955, by a state librarian appointed by the Governor plus the state commissioner of education and the University of Missouri librarian. Prior to enactment of the 1955 law the state librarian had been appointed by the state board of education. The change was another of the very few recommendations of the Reorganization Commission which the 68th General Assembly saw fit to follow.

The Department of Business and Administration is quite decentralized, though it does have an overall "Director" with limited supervising functions. The Department includes some major administrative functions and services connected with business activities carried on within the state. The scope of these activities is indicated by the titles of the divisions in the accompanying chart. The Director, appointed by the Governor, continuously studies administrative problems and recommends to the respective divisions and to the General Assembly such improvements as he thinks desirable. All purchases for the Department are handled through his office.

DEPARTMENT OF BUSINESS AND ADMINISTRATION



The division of finance, administered by a commissioner of finance appointed by the Governor, supervises the banks, trust companies, and credit unions in the state, seeing that they conform with the laws passed to regulate their activities. A three-member bipartisan state banking board, appointed by the Governor for overlapping six-year terms, hears appeals from the decisions of the commissioner. The division of savings and loan supervision, through a supervisor appointed by the Governor, periodically inspects the savings and loan companies. Appeals from the supervisor's decisions may be taken to a state savings and loan commission (established in 1957), consisting of five members appointed by the Governor. The division of insurance, under a superintendent appointed by the Governor, regulates the activities of the many insurance companies operating in the state. The personnel division is the "civil service" agency of Missouri's government and is treated more fully toward the end of the chapter. It is headed by a director appointed by the Governor on the basis of an examination. A personnel advisory board of three members also appointed by the Governor assists the director.

The division of commerce and industrial development was created in 1961 to supersede the former division of resources and development. Its functions are to improve and expand the use of the many natural resources and industrial opportunities of the state. It has sections on aviation, industrial development, recreational development, flood control and water development, and museum. At its head is a bipartisan commission of six members appointed by the Governor for six-year overlapping terms. The commission appoints, with the approval of the Governor, a director to administer the functions of the division. This division is the official state planning agency for providing assistance to counties and municipalities, and to receive federal funds for such.

The division of geological survey and water resources, under the direction of the state geologist, appointed by the Governor for a four-year term, studies and reports on the mineral deposits in Missouri, investigates the state's water supplies (spring, well, surface), and makes detailed surface maps of Missouri topography. Information gained from these studies is of considerable importance to various activities in the state.

The Bi-State Development Agency is the outgrowth of the efforts of an earlier metropolitan planning commission. Established by a Missouri-Illinois compact approved by Congress in 1950 under Article I, Section 10, of the federal Constitution, the agency has as its purpose the formation and administration of plans for the continuous development and improvement of the St. Louis area in both states. The Missouri portion includes St. Louis City and the counties of St. Louis, St. Charles, and Jefferson; the Illinois portion comprises Madison, St. Clair, and Monroe counties. Administration of the agency is lodged in a non-salaried board of ten commissioners, half appointed for staggered five-year terms by each of the governors. Prior to 1959 the Missouri legislature appeared reluctant both to appropriate sufficient funds for its activities and to clarify its powers. In 1959, however, legislation was enacted enlarging the powers of the agency, particularly with reference to the issuing of revenue bonds with which to finance its projects.

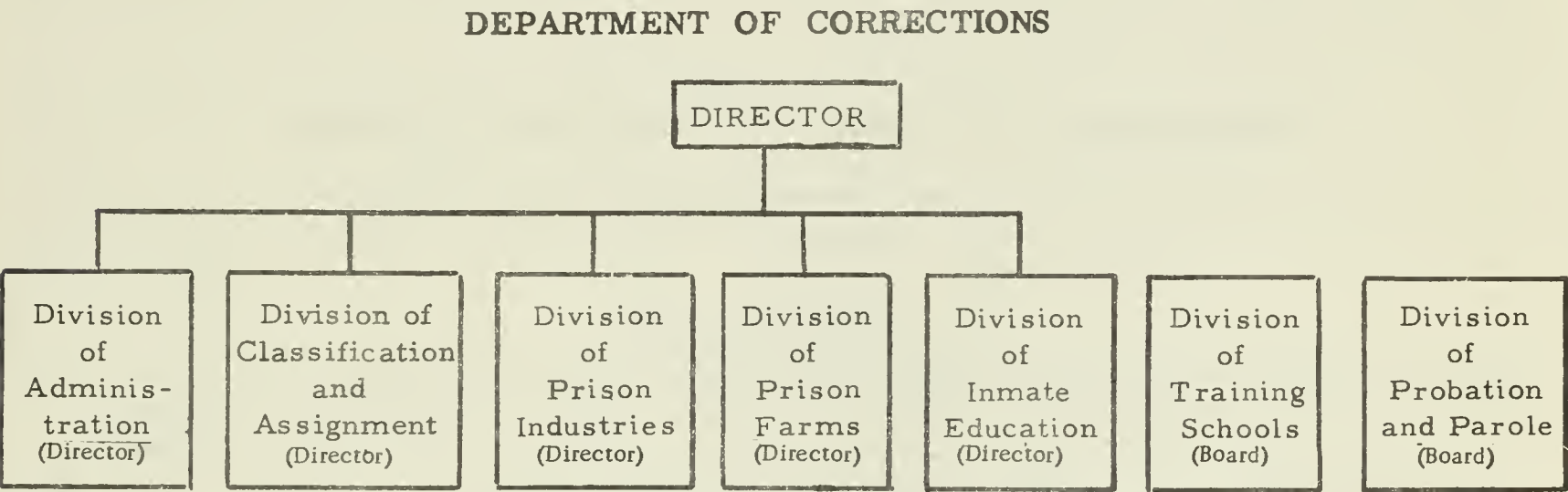
The division of Tennessee-Missouri bridge commission, established in 1949 and working with a similar body in Tennessee, appointed as in the case of the Bi-State body above, has as its object the construction and operation of a bridge across the Mississippi River at Caruthersville. Investigations and surveys to this end are still under way, though rapid progress is not being made. The division of athletics, headed by a commission of three appointed by the Governor, supervises boxing and wrestling matches in Missouri. Its expenses are covered by the sale of licenses to promoters, to boxing and wrestling officials, and to participants. It customarily returns a surplus into the general revenue fund.

One of the most important of all the state agencies, because of its regulatory functions, is the public service commission, whose five members serve full time. The membership is appointed by the Governor on a bipartisan basis for six-year overlapping terms. He also appoints a lawyer to act as general counsel for the commission. Although technically assigned

to the Department of Business and Administration, Missouri law states that "the director of the department of business and administration shall have no supervision, authority, or control, over the actions or decisions of the public service commission."

The State Reorganization Commission made a number of significant recommendations regarding the Department of Business and Administration, very few of which have been implemented to date. It advocated changing the name to Department of Commerce, giving the director more immediate administrative authority over the various divisions except the regulatory commissions (public service commission, resources and development commission, athletic commission, Bi-State Development Agency, and Tennessee-Missouri bridge commission), absorbing the division of savings and loan supervision into the division of finance, and transferring the division of personnel to the Department of Revenue (though allowing it to retain its present practical autonomy of operation). It also suggested replacing the old ex officio bank appeals board with a state banking board of five members appointed by the Governor, which was one of the few recommendations agreed to by the 68th General Assembly. It further recommended transferring to the new Department of Commerce the division of corporations and securities from the office of the Secretary of State, also the division of examination and registration from the Department of Education.

The Department of Corrections, reorganized by the legislature in 1955, is now headed by a Director chosen by the Governor and serving at his pleasure. The five divisions under the Director are those of administration, classification and assignment, prison industries, prison farms, and inmate education. The Director himself heads the division of administration, and appoints the directors of the other four. The Governor appoints a six-member industrial advisory board for prison industries to aid in this branch of prison work. The departmental Director appoints the wardens and superintendents of the several institutions of incarceration. Assistants, guards, physicians, chaplains, farm managers, and other needed personnel are appointed, with the departmental Director's approval, by the wardens, superintendents, and divisional directors. By law all employees except certain religious, professional, and technical personnel must be chosen through merit system examinations.



The state training schools (institutions for young offenders at Boonville, Chillicothe, and Tipton) are declared by the Constitution to be "educational institutions" and put specifically under the control of a bipartisan state board of training schools consisting of six trustees appointed by the Governor for staggered six-year terms (Article IV, Section 38). Nominally assigned to the Department of Corrections, this division in fact operates independently. The board appoints a director for the entire program, and the director, with board approval, appoints the superintendents of the individual institutions. All employees are hired under the state merit system.

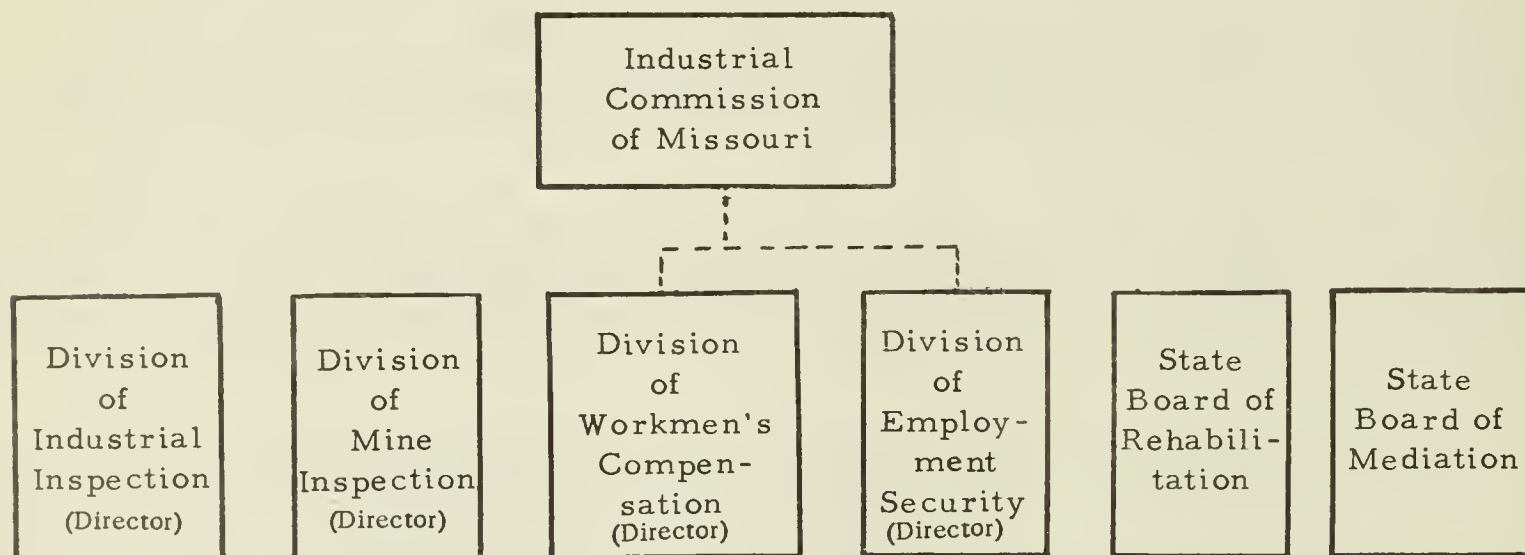
The division of probation and parole is similarly separate from the Department of Corrections to which it has been assigned. A bipartisan three-member board of probation and parole, appointed by the Governor for overlapping six-year terms, administers these two activities. It may accept federal funds, equipment, and supplies, and cooperate with federal agencies. The board's offices, by state law, may not be housed in any penal institution.

The Industrial Commission of Missouri, a three-member bipartisan board appointed by the Governor for staggered six-year terms, is the head of the Department of Labor and Industrial Relations. One member represents employers, another employees, and the third (who must be a lawyer) represents the public. The Commission acts as a sort of appeals court in cases of dissatisfaction with decisions of the workmen's compensation division and the employment security division, and has some very limited responsibilities in connection with the two inspection divisions (industries and mines). It also administers the state prevailing wage law of 1957. Each of the four divisions is headed by a director appointed by the Governor. A seven-member Governor's advisory council, created in 1951, checks on the policies and activities of the division of employment security.

The state board of rehabilitation was established in 1951 as an amendment to the workmen's compensation act. Its four ex officio members are the three members of the Industrial Commission plus the director of the division of workmen's compensation. The function of the board is to promote the rehabilitation of workers who come under the terms of the workmen's compensation act. The five-member state board of mediation, appointed by the Governor, has the function of settling labor disputes involving public utilities. Two members represent employers, two represent employees, and the fifth must be neither an employer nor an employee. Although assigned to the Department of Labor and Industrial Relations, this board in fact operates outside of any control by the Industrial Commission.

The State Reorganization Commission recommended that the Department of Labor and Industrial Relations be given a one-man director with full administrative authority over the divisions of workmen's compensation, industrial inspection, and mine inspection, and that the last two be combined into one division. The Industrial Commission, the mediation board, the rehabilitation board, and the employment security division would remain in the Department but continue their relatively autonomous status.

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS



PERSONNEL ADMINISTRATION. The number of state administrative employees in Missouri may be in the neighborhood of 25,000, though the exact figure would be difficult to deter-

mine. The Department of Public Health and Welfare accounts for about 7600 of these, the Highway Department about half that many, and the remaining departments the balance. Since the service functions of government show no indication of declining, the number of state employees needed to administer them is likely to increase with the expanding population.

Certain divisions of state administration, such as the highway patrol, Highway Department, and Conservation Commission, have their own specially developed systems of merit recruitment. The personnel and achievements of these services are of a high order and are recognized as such in comparison with similar services in other states. It is generally recognized that the elective departments and the Department of Revenue are on somewhat more of a patronage basis than most of the other departments, yet in these offices too the personnel appear to be well chosen and competent.

A central civil service system cutting across departmental lines was authorized by the Constitution of 1945 in the clause which reads: "All employees in the state eleemosynary and penal institutions, and other state employees as provided by law, shall be selected on the basis of merit, ascertained as nearly as practicable by competitive examinations." (Article IV, Section 19). In pursuance of this provision the State Merit System Law of 1946 was enacted. Administration of the law is lodged in the personnel division of the Department of Business and Administration, headed by a divisional director appointed by the Governor on the basis of a merit examination. Assisting the director in policy matters is a personnel advisory board also appointed by the Governor. At the present time the law covers only the employees, some 10,000 in number, in the Department of Public Health and Welfare, the Department of Corrections, the employment security division of the Department of Labor and Industrial Relations, and the personnel division of the Department of Business and Administration. By federal law those services of the state which receive federal grants must be administered by personnel chosen through a bona fide merit system. One point on which federal insistence is clear is that hiring be done on the basis of merit examinations and without regard to political affiliation.

The General Assembly in 1957 passed two laws relating to state administrative personnel. One required the Governor's approval of all salary adjustments for positions under the merit system. The other law established a broad retirement system now covering about 20,000 state employees, whether under the merit system or not, who were not then covered by a pension arrangement. The Highway Department and highway patrol, for example, already had been operating under retirement plans of their own.

The State Reorganization Commission in 1955 recommended that serious thought be given (1) to extending the merit system throughout the executive branch except for the elective positions, departmental directors, divisional directors, and positions in the institutions of higher learning; (2) to adopting a uniform and adequate pay scale; and (3) to establishing uniform and adequate policies with regard to vacations, sick leave, and in-service training. Missouri, like most other states, has a long way to go in these matters, but practically every biennium shows some progress. The legislature will not be expected to move further or faster than public opinion will allow.

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Chapter 13

STATE FINANCE

EXPENDITURES. "Big government"--the supplying of expanded services and regulatory activities for public benefit--is probably here to stay. Moreover, the greater the protection and services the greater the cost is bound to be. Expenditures in the state of Missouri for the fiscal year ending 30 June 1960 are indicated in the accompanying chart and table, taken from the annual report of the Department of Revenue. It is interesting to note that the largest percentages by far do not go for the protective and preventive functions of government but rather for positive social services like welfare (social security), highways, and education. By Article IX, Section 3, of the Constitution, the General Assembly is required to appropriate for the public schools at least one-fourth of the general revenue; in practice it appropriates considerably more. On the opposite end of the scale are the expenditures for running the legislative branch of the government--less than one-fourth of one per cent of the total.

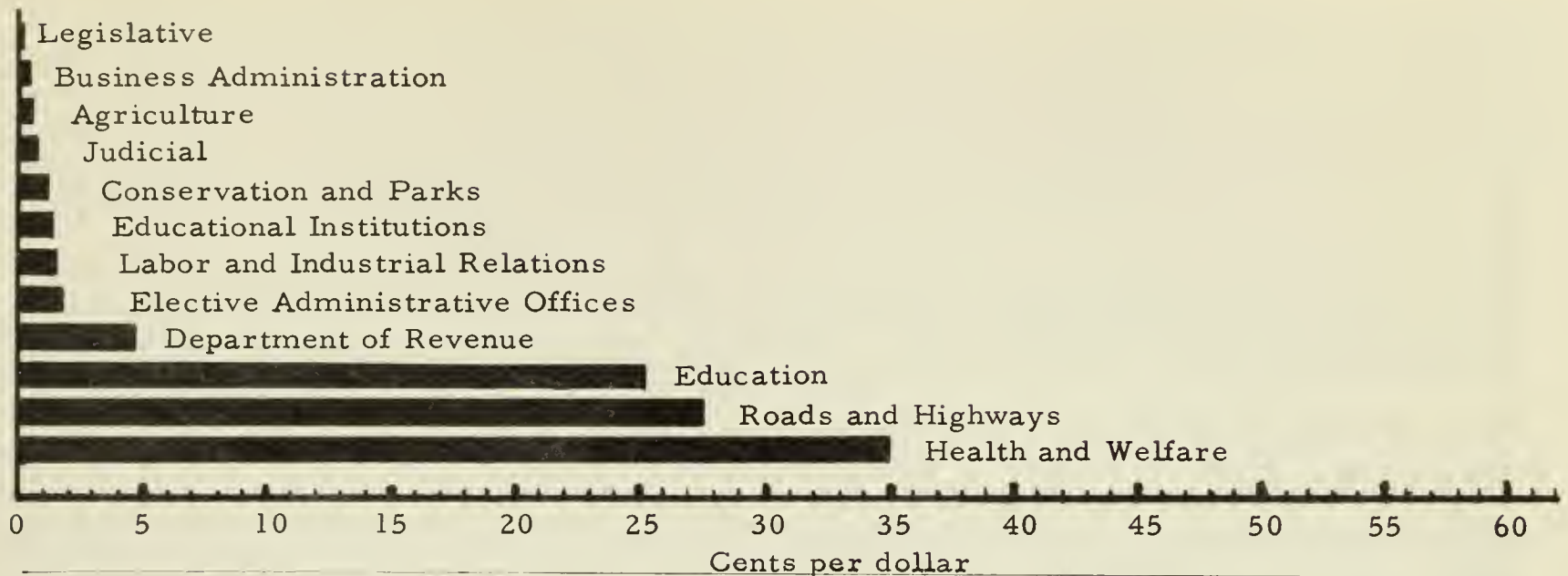
In 1959 Missouri's expenditures totalled more than half a billion dollars, giving the state a ranking of forty-sixth among the states in per capita total public expenditures. This might be taken to suggest that Missouri is not providing the scope and degree of services that most other states provide, or that Missouri is discharging its responsibilities more economically, or possibly that Missouri's problems are not as great as those of other states. It would be hasty to draw any one of these conclusions from the limited information available, especially in view of the fact that states vary greatly in their accounting practices, conditions of operation, and individual needs and programs. A better approach to an analysis of Missouri's comparative financial status would be through an efficient and thoroughgoing budget system, toward which the state appears to be moving as will be noted below. Such a system would present the possibility of determining with comfortable assurance just how the state can get the most for its money in those areas of public expenditure which the people through their elected policy-determining officials decide upon.

The channeling of expenditures in Missouri is partially determined by the Constitution itself, which provides a general framework within which appropriations are to be made. In addition to the clause on schools noted above, it is required (Article III, Section 36) that "all appropriations of money by successive general assemblies shall be made in the following order:"

1. for payment of sinking fund and interest on state debts;
2. for public education;
3. for the costs of assessing and collecting revenue;
4. for the payment of the civil lists;
5. for the support of the eleemosynary and other state institutions;
6. for public health and welfare;
7. for all other state purposes;
8. for the expense of the General Assembly.

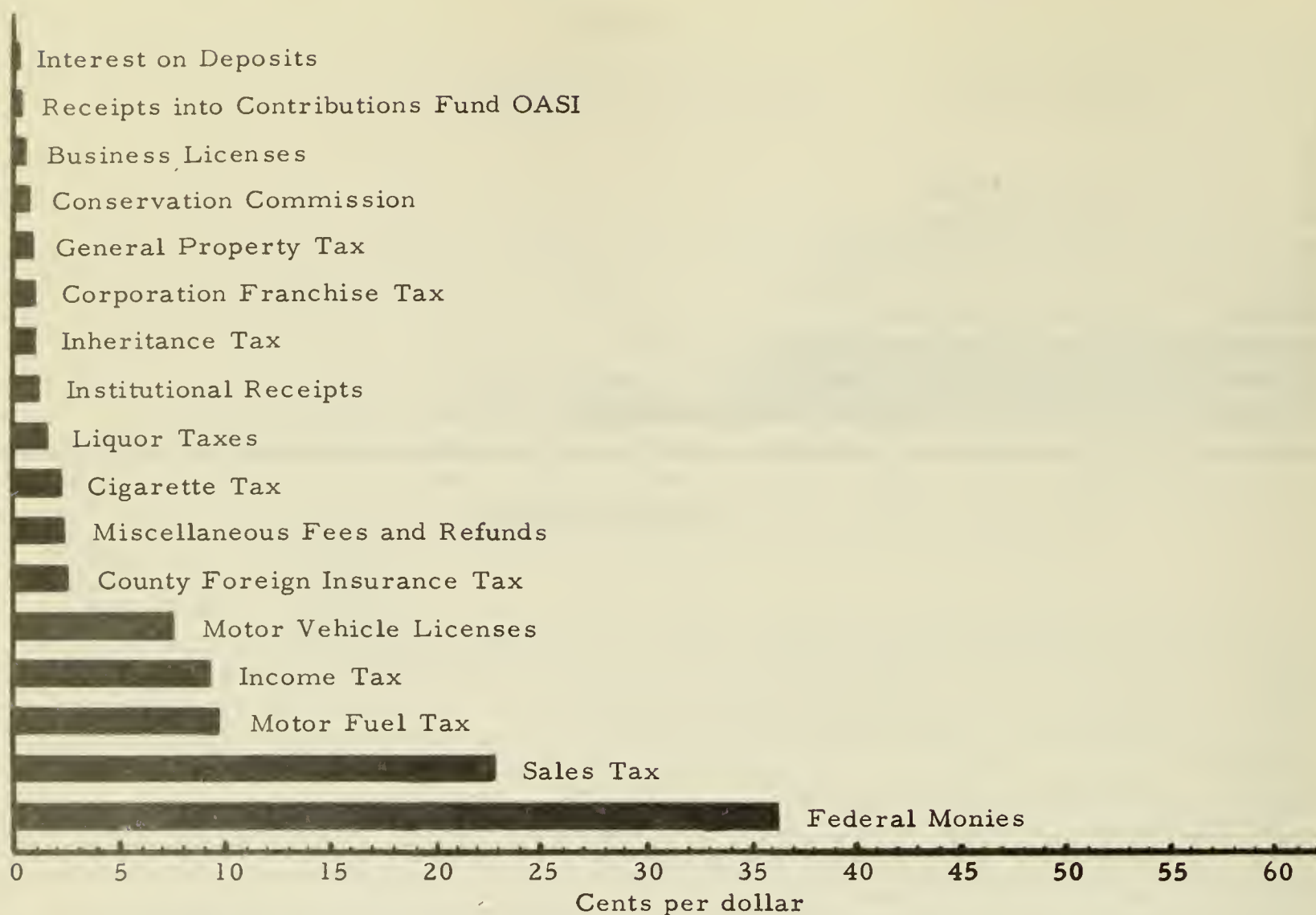
REVENUE. There are about 100 separate funds into which the monies of the state are placed. These are only summarized, not listed, in the accompanying table taken from the annual report of the Department of Revenue. The state revenue fund, often referred to as the general revenue fund, consists mainly of sales, income, liquor, corporation franchise, and inheritance taxes, plus portions of the county foreign insurance and general property taxes. This general revenue fund amounts to roughly 30% of the total, and is the main source of money available for allocation at the discretion of the General Assembly (although, as noted above, at least one-fourth of this must be appropriated for the public schools).

DISBURSEMENTS FROM ALL FUNDS DURING FISCAL YEAR ENDED JUNE 30, 1960



| | | | Departmental Percent of Total Operating Expenditures | Amount Expended | Percent of Total Operating Expendi- tures |
|--|-----------------|----------------|--|--------------------|---|
| Legislative | | | | \$ 601,743.20 | .12 |
| Judicial | | | | 3,387,996.50 | .69 |
| Elective Offices | | | | | |
| Administration | \$ 1,817,924.48 | | .37 | | |
| Military | \$ 1,205,369.00 | | | | |
| Highway Patrol | 5,421,410.17 | | | | |
| Supervisor Liquor Control | 468,402.03 | | | | |
| Other | 12,809.62 | 7,107,990.82 | 1.43 | 8,925,915.30 | 1.80 |
| Departments | | | | | |
| Agriculture | | | | 2,712,569.33 | .55 |
| Business Administration | | | | 2,134,394.57 | .43 |
| Conservation and Parks | | | | 5,700,119.48 | 1.15 |
| Corrections and Penal | | | | | |
| Division of Penal Institutions | 5,031,897.96 | | 1.02 | | |
| Division of Educational Institutions | 1,421,418.70 | | .29 | 6,453,316.66 | 1.31 |
| Education | | | | | |
| Higher Education | | 26,584,673.48 | 5.38 | | |
| Public Schools | | | | | |
| Distributions to Counties | | | | | |
| State | 78,470,509.31 | | | | |
| Federal | 5,687,637.74 | 84,158,147.05 | 17.01 | | |
| Distributions for Free Text Books | | 5,794,582.09 | 1.17 | | |
| Other | | | | | |
| State | 6,282,951.15 | | | | |
| Federal | 2,041,665.60 | 8,324,616.75 | 1.68 | 124,862,019.37 | 25.24 |
| Health and Welfare | | | | | |
| Division of Health | | 10,506,302.76 | 2.12 | | |
| Division of Mental Diseases | | 21,361,151.89 | 4.32 | | |
| Division of Welfare | | 141,062,320.06 | 28.51 | 172,929,774.71 | 34.95 |
| Labor and Industrial Relations | | | | 7,675,253.33 | 1.55 |
| Department of Revenue | | | | | |
| Administration | | 6,471,916.65 | 1.31 | | |
| Refunds and Distributions | | | | | |
| To Counties | 335,622.69 | | | | |
| Gas Tax Refunds | 4,478,502.82 | | | | |
| Other | 308,136.30 | 5,122,261.81 | 1.03 | | |
| Second State Building Bond Interest and Sinking Fund Payments | | 4,281,175.00 | .87 | | |
| Retirement | | | | | |
| Federal OASI Contributions | 5,411,219.13 | | | | |
| State Employees | 1,932,137.30 | 7,343,356.43 | 1.48 | 23,218,709.89 | 4.69 |
| Roads and Highway | | | | | |
| State Highway Department Administration, Road Construction and Maintenance | | 133,974,630.79 | 27.08 | | |
| County Aid Road Fund | | 2,161,773.69 | .44 | 136,136,404.48 | 27.52 |
| TOTAL OPERATING EXPENDITURES | | | | \$494,738,216.82 | 100.00 |
| Capital Improvement Expenditures | | | | | |
| Post War Reserve Fund Expenditures | | 688,680.31 | | | |
| Second State Building Bond Expenditures | | 14,531,335.86 | | 15,220,016.17 | |
| TOTAL PAYMENTS | | | | \$509,958,232.99 | |

RECEIPTS INTO ALL FUNDS DURING FISCAL YEAR ENDED JUNE 30, 1960



| Source | Cents per Dollar | Amount |
|--|---------------------|-------------------------|
| Sales Tax (Including Use Tax and Motor Vehicle Use Tax of \$820,036.14)..... | \$22.91 | \$118,933,744.83 |
| Income Tax..... | 9.18 | 47,659,215.30 |
| Motor Fuel Tax (Including Users Tax of \$1,808,983.09)..... | 9.70 | 50,359,870.44 |
| Motor Vehicle Licenses (Including Drivers License of \$1,101,193.30)..... | 7.51 | 38,967,246.58 |
| Liquor Taxes..... | 1.43 | 7,436,873.92 |
| Cigarette Tax..... | 2.12 | 11,009,327.07 |
| Corporation Franchise Tax..... | 1.01 | 5,239,398.54 |
| Inheritance Tax..... | 1.01 | 5,258,688.90 |
| County Foreign Insurance Tax..... | 2.35 | 12,185,302.58 |
| General Property Tax..... | .98 | 5,067,616.32 |
| Conservation Commission (Business Licenses \$58,688 and Federal Moneys \$1,071,969.13 Excluded)..... | .72 | 3,716,618.10 |
| Institutional Receipts..... | 1.05 | 5,455,137.84 |
| Federal Moneys..... | 36.29 | 188,358,528.73 |
| Business Licenses..... | .60 | 3,101,964.89 |
| Miscellaneous Fees and Refunds..... | 2.25 | 11,688,784.89 |
| Interest on Deposits..... | .35 | 1,797,206.25 |
| Receipts Into Contributions Fund OASI..... | .54 | 2,818,472.39 |
| TOTAL OPERATING RECEIPTS..... | 100. | \$519,053,997.57 |
| Capital Improvements Second State Building Bond Interest and Sinking Fund..... | | 24,993.86 |
| TOTAL RECEIPTS..... | | \$519,078,991.43 |

The next largest source of money is federal grants-in-aid, which amounted to more than one-third of all receipts in the fiscal year ending 30 June 1960. These grants to the state are usually made on a matching basis, and spent under strict federal regulation. About half go for welfare purposes (old age assistance, aid to dependent children, disability assistance, etc.) and the next biggest allotment for highways. All other categories are small by comparison. A breakdown of federal grants for one year is given in chapter 18.

The remainder of the state funds come from various sources with earmarked destinations--motor fuel tax (for highways), motor vehicle licenses (for highways), cigarette tax (for schools), professional licenses fees (for the operation of the various professional licensing boards), etc.

Assessments of valuation on property, both personal and real, are made by county officials in most counties and by township assessors in the 24 counties having such organization. Appeals from an assessor's decision may be taken first to the county board of equalization, and finally to the state tax commission, an agency within the State Department of Revenue though not subject to that department's control.

Prior to 1945 the collection of state revenues was highly decentralized. Under the new Constitution the division of collection, headed by a collector appointed by the Director of Revenue; is responsible for collecting "all taxes, licenses and fees payable to the state, except that county and township collectors shall collect the state tax on tangible property until otherwise provided by law" (Article IV, Section 22; see chart of Revenue Department in chapter 12). Also included are payments from federal funds, and fines and penalties. The collector's main office is in Jefferson City; to facilitate the task of collecting over the state, branch offices have been established in various cities. For property taxes the county and township collectors remit to the state collector the portion due the state, and retain the balance for local purposes.

Once collected, the monies of the state are turned over to the State Treasurer for custody and disbursement. Statutes govern thoroughly the duties of this official. With the approval of the Governor and State Auditor he selects the banks (about 400 in number) in which the state funds are deposited pending payment through formal legislative appropriation. A constitutional amendment adopted in 1956 permits him to invest idle funds either in the banks on time deposit or in short term United States government obligations. The Reorganization Commission had recommended this step in its report of 1955. Formerly much tax money lay idle in the various depository banks without producing a return for the state.

In addition to taxes, fees, and federal grants, borrowing constitutes another source of funds. Missouri public debt history has been a very favorable one; from time to time reasonable amounts of bonded indebtedness have been incurred, and all of them retired in a sound manner. Missouri's per capita public debt in 1959 was \$20.53, eleventh lowest among the states. Limitations on state debt and state bond issues are laid forth in Article III, Sections 37-39 of the Constitution. For a debt of more than one million dollars to be incurred in any one year it is necessary to submit the proposal to a popular vote, a majority of those voting being necessary for passage. Such an action took place in 1956 when a constitutional amendment was adopted permitting \$75,000,000 indebtedness for state buildings and properties. The Constitution requires all such bonds to be retired within 25 years of issuance.

THE BUDGET, AND RESULTING LEGISLATION. Drawing up the budget is one of the most important activities of the entire government. Such a document purports to show, on the basis of informed study, what income may be expected from the various taxes and fees, and also the probable sums needed by the many spending agencies. Governor Dalton in his message of January 1959 forecast an outlay of \$1,255,000,000 for the biennium 1961-1963.

Missouri like most states has been using a kind of budget variously described as the "item," "line," or "object-classification" type. Such a budget presents to the General Assembly detailed requests for specific outlays--a particular building, personal services, and the like, without much attempt at analyzing the goals of the activity so that the cost of the end product may be seen. Progressive budget theory, confirmed in recent practice in some states, tends to throw more emphasis on the programs and end activities of government, with a careful analysis and documentation of cost. Such "program" or "performance" budgeting, while not omitting specific items of expense, would present the legislature with a clearer picture of the larger financial implications of higher education, wildlife conservation, and the treatment of mental diseases. Such a system has advantages in public relations, in economy, in effective administration, and in avoiding some of the "padding" that occasionally gets into an item-type budget. It would certainly enable the legislature better to compare the costs of proposed programs with previous and current ones, as well as with similar programs in other states. Budgetary development along such lines was one of the more important recommendations of the Reorganization Commission in 1955.

When Governor Blair assumed office in January 1957 he felt that the budget system currently in operation was inadequate for realistic and workable financial planning over a two-year period. Not having had the resources or opportunity for drawing up an adequate executive budget, he submitted in his budget message to the General Assembly that month merely the askings of the various spending agencies and on the basis of a single year only. To be able to recommend a sound state fiscal policy for the year after that, he asked of the General Assembly, and was granted, (1) an expanded budget staff, and (2) an administrative realignment of the office of budget and comptroller to put it more directly under the supervision of the Governor than under the Director of Revenue. The Constitution states (Article IV, Section 22): "The department of revenue shall be in charge of a director of revenue, and shall have divisions of collection, budget and comptroller, and other divisions. . . . The division of the budget and comptroller shall assist the director of revenue in preparing estimates and information concerning receipts and expenditures of all state agencies as required by the Governor and general assembly." The new law minimizes the connection between the budget division and the Department of Revenue, but this connection cannot be erased altogether without a constitutional amendment.

As a result of these budgetary moves it was expected that the state budget (and appropriations) might be changed permanently from a biennial to an annual basis, which is allowed by Article IV, Section 23, of the Constitution ("The general assembly shall make appropriations for one or two fiscal years"). This would of course involve annual sessions of the legislature, either specially called for the even-numbered years in addition to the regularly scheduled odd-year sessions, or on a regular pattern established by constitutional amendment as was attempted unsuccessfully in 1956. In the session of 1959, however, both the Governor and the General Assembly reverted to a biennial budget, possibly because of legislative aversion to special sessions, and the practice was continued by Governor Dalton and the 71st General Assembly.

The Governor's budget message to the legislature is required by the Constitution. He must, according to Article IV, Sections 24-25, "within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures. Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor."

After receipt of the Governor's budget message the majority leadership in the House of Representatives sees to the introduction of the proper appropriations bills and, if needed, revenue bills. According to the Constitution these may be introduced in either chamber, but customarily the House of Representatives takes the initiative. The bills are immediately referred to the pertinent committees--Appropriations, or Taxation and Revenue. After public hearings

the bills are reported back to the House, perfected, and passed. Enactment of the bulk of appropriations measures is nearly always delayed until near the close of the session, with the "omnibus appropriations bill" being one of the very last.

Differences between the two chambers on various items are ironed out in conference committee, usually under pressure of impending adjournment and always without further public hearings. Speaking generally, compromises within the committee seem to be reached without too much difficulty, though occasionally a committee fails to come to an agreement and has to be replaced or directed to try again. Compromises are mostly of two sorts: (1) accepting some items as desired by one chamber, and other items as desired by the other chamber; (2) splitting differences on some items by substituting a committee figure between the two in dispute. Only occasionally does a conference committee report a figure outside the high and low limits, but it occurs frequently enough to create controversy, both in the chambers and in the press. Back in the chambers, the report of the conference committee is customarily adopted in toto with little or no debate on the merits of the various recommendations. Criticism of the conference committee seems to center on the time-pressure under which it operates, the secrecy of its sessions, the practice of occasionally exceeding the high and low figures, and the absence of subsequent chamber debate. From one to two dozen bills--all the major appropriations bills--are usually subjected to conference.

The Governor's power over state fiscal operations does not end with his budget message. While it is practically unthinkable for him to veto an entire appropriation bill, the item veto power is an effective tool in trimming individual amounts to conform with his fiscal ideas. Such power is used freely by Missouri Governors (see chapter 11). He does not, it should be pointed out, have power to increase any item, but merely to reduce or eliminate it. An additional gubernatorial control over state fiscal operations is afforded by the clause of the Constitution which says he "may control the rate at which any appropriation is expended during the period of the appropriation by allotment or other means, and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based." (Article IV, Section 27).

Attempts have been made to establish a legislative fiscal officer ("watchdog") empowered to do directly for the General Assembly what the Governor's budget staff is expected to do for him--maintain a continuous study of the financial condition and needs of the various state agencies and make a report to the legislature early in the session to aid in the framing of proper fiscal laws. On at least two occasions in recent years such bills were vetoed. Similarly in 1957 the General Assembly passed a bill to establish a joint legislative commission to look into the state's tax structure; this too was vetoed, Governor Blair stating that it would duplicate some of the work of his newly established budget staff.

AUDITING. The auditing function is a checkup on the legitimacy of expenditures. It is a means of assuring both executive correctness and executive integrity in fiscal matters. The executive branch and the public alike have an interest in the auditing function. The executive needs (and wants) a pre-audit to insure that its operations will be above reproach and that the expenditures it is about to make will be in conformity with law. In addition the public is entitled to a post-audit of the expenditures after they have been made, to satisfy itself that the money has been spent precisely as directed by the appropriations laws of the General Assembly.

Prior to 1959 Missouri provided for a double pre-audit--by both the comptroller and the State Auditor--and for a single post-audit by the State Auditor. The comptroller, in addition to his accounting and budgetary duties, is required to pass on every state expenditure before it can be made. He may disallow the spending of any sum found not to be in accordance with an appropriation act of the General Assembly, or with the rate of spending as set by the Governor. Formerly, after the comptroller approved the item of expenditure, it went to the Auditor's

office for similar examination and approval. There were thus two special pre-checks to insure the propriety of every expenditure--one by the comptroller who represented the Governor, the other by the Auditor who more directly represented the people because elected by them. The State Reorganization Commission, in line with sound fiscal thinking, felt and recommended that the comptroller alone should have the responsibility of pre-audit, freeing the Auditor's office for a more comprehensive and independent post-audit. In November 1958 the voters approved a constitutional amendment which removed the pre-audit functions of the State Auditor.

The duties of the State Auditor are prescribed in the Constitution as follows: "He shall establish appropriate systems of accounting for all public officials of the state, post-audit the accounts of all state agencies and audit the treasury at least once annually. He shall make all other audits and investigations required by law, and shall make an annual report to the governor and general assembly. He shall establish appropriate systems of accounting for the political subdivisions of the state, supervise their budgeting systems, and audit their accounts as provided by law." (Article IV, Section 13.) These respective duties are discharged through five sub-departments inside the Auditor's office.

The cashier's department makes all the federal income tax withholdings from state payrolls except that of the University of Missouri. The Reorganization Commission recommended transferring the withholding function and records to the comptroller's office. The state audit department establishes financial bookkeeping systems for state agencies, and post-audits their accounts (i.e., examines them after the expenditures have taken place). This checkup is annual on the treasury and biennial on the other state departments. The county audit department establishes accounting systems for political subdivisions of the state, supervises their budgets, and audits their accounts. The special audit department makes audits of political subdivisions (e.g., municipalities) when requested to do so by 5% of the voters therein. The bond registration department examines, passes upon, and registers the bonds issued by political subdivisions except first-class counties and cities of more than 300,000 population. All classes of subdivisions issue such bonds--counties, townships, towns, and road, drainage, levee, sewer, water supply, and school districts.

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Chapter 14

PUBLIC FUNCTIONS AND SERVICES

LAW ENFORCEMENT. The mass of laws are carried out in routine fashion by many administrative agencies of government whose organization was noted in chapter 12. The fact that this operation is normally a smooth one is attributable to the honesty and good intentions of the mass of citizens and the generally high capability of state administrative employees. The term "law enforcement" is sometimes applied to the governmental function which necessarily arises when infractions of the law occur and when, therefore, some special and forceful re-assertion of the law seems to be in order. It is in this sense that the term is used here.

In Missouri, as in practically all states, law enforcement is characterized by a marked degree of decentralization. City officials, county officials, highway patrol, Attorney General, Governor--all have parts to play and they are not thoroughly integrated. This is not to say that law enforcement is ineffective--indeed Missouri's record is generally a very good one--but simply that there is likely to be some variation in degree and type of enforcement over the state, and occasionally some gaps or overlappings which result in maladministration of justice. Only a brief survey of the main elements of law enforcement in Missouri will be attempted here.

Local infractions of a minor nature are handled by city policemen, city attorney, and municipal police court. A case is started commonly by a local police officer filing an information against the suspected offender. Or the city council may suspend or revoke a license of a business firm which is not conducting its business in a legal manner. The police systems of St. Louis, Kansas City, and St. Joseph are administered by special boards of police commissioners appointed by the Governor.

Counties are the principal enforcement units for state law, each prosecuting attorney and sheriff being charged with the responsibility of seeing that the state statutes are not violated in their own county. Since these two officials are elected by the voters of the county, and state law is enacted by a legislature representing the whole state, a divergence of interests may sometimes appear. If the voters in one county are not sympathetic with a certain state law, vigorous enforcement of it is not likely to occur. Further, the state Attorney General has little effective coordinating authority over the various prosecuting attorneys. The courts in the county to which violations of state law are taken are the magistrate court (for small offenses) and the circuit court (for more serious crimes). Cases begin mostly through the filing of an information, though grand jury indictment is available and occasionally used. Courts and indictments are discussed more fully in chapter 15.

The state highway patrol, of all law enforcement agencies, comes nearer to being a general police agency for the entire state, by virtue of its legal authority, but its actual position is far from analogous to that of the federal F.B.I. A patrolman's duties normally are concerned with use and abuse of the highways, but he can and on infrequent occasions does make arrests any place in the state in connection with any type of crime. Always available to help local and county police officers in the discharge of their duties when needed, the patrol is careful not to usurp the functions of local officials or to encroach on their jurisdictions. Radio contact is maintained with about 150 sheriff and city police offices. Training of sheriffs, on a voluntary basis, is another of the patrol's services to the state. In each of the nine troops there is a safety officer who administers an area safety program in connection with the public schools. Examinations for state drivers' licenses are administered by the patrol. An extensively equipped technical laboratory is maintained at headquarters in Jefferson City. The Missouri highway patrol, since its founding during the administration of Governor Henry S. Caulfield in 1931, has acquired the reputation of being one of the finest state police systems in the nation. A maximum of 455 uni-

formed men was authorized by law in 1957. The needs of the state could easily justify the addition of another 200. The patrol operates in nine troop areas designated by letter, with the following headquarters:

A. Lee's Summit
B. Macon
C. Kirkwood

D. Springfield
E. Poplar Bluff
F. Jefferson City

G. Willow Springs
H. St. Joseph
I. Rolla

The state military force is the Missouri national guard, technically headed by the Governor as commanded in chief and administered by the adjutant general. The guard is available to assist the Governor in any public disaster or critical law enforcement problem arising within the state, and in a national emergency is subject to call by the President. The adjutant general's office administers an armory program in many cities of the state. There is a large state arsenal in Jefferson City. A new military code was enacted by the legislature in 1951, defining and regularizing the responsibilities and activities of the state military department.

The duties of the Attorney General's office were briefly noted in chapter 12. Because of this official's intimate connection with the interests of the state in court cases, he is in a position to aid greatly as a centralizing force in the administration of justice. Tradition in Missouri, however, as well as in most other states, has been opposed to such centralization. As was noticed a few paragraphs back, county prosecutors and sheriffs go their own way, the result being some unevenness in law enforcement over the state. Vigorous action was taken in 1953 by Attorney General John M. Dalton (who later became Governor) in investigating allegedly inadequate law enforcement in St. Louis County; this led to the ouster of the sheriff of that county (State ex inf. Dalton v. Mosley, 286 S. W.2nd, 721--1956). Among other of his various duties the Attorney General is charged with enforcement of the liquor laws and collection of delinquent taxes.

The role of the Governor in law enforcement was described in chapter 11. Through his appointive power and administrative authority over certain offices he can help set the tone of some areas of law enforcement, as in the boards of police commissioners for the big cities. Being commander in chief of the military forces he can resort to this special form of assistance when in his judgment the emergency warrants it. One conspicuous gap in his power, as compared with that of the national President, is his lack of control over the policies of the Attorney General's office. This is of course directly traceable to the fact that both Governor and Attorney General are separately elected by the people. If the Governor had a bona fide cabinet of his own choosing, as does the President, the gubernatorial role in law enforcement would be quite different from what it now is.

Missouri's correctional institutions are a part of the state's enforcement program. The serious riots of 1954 prompted Governor Donnelly to set up a penal survey commission in the fall of that year; a few months later the General Assembly established a joint correctional institution study committee with similar objective. As a result the legislature in the spring of 1955 passed three measures which taken together would have resulted in far-reaching reforms throughout the penal system. Two of the bills however were vetoed by Governor Donnelly; one of these would have reorganized the program of parole and probation, and the other would have set up a permanent joint legislative "watchdog" committee for continually scrutinizing penal policy and administration and suggesting reforms as needed. The third bill, aimed at making a rather complete reorganization of the administration of the prison system itself, was hailed by the Governor as "one of the most significant long-range measures enacted by the recent General Assembly," and accordingly received his signature. By this law of 1955 the Director of the Department, who is required to be an expert penologist but need not be a citizen of Missouri at the time of appointment, was given much more authority than formerly over the various divisions of the prison system. His offices, furthermore, were removed from the penitentiary. In 1957 the General Assembly again passed a bill creating a permanent joint legislative "watchdog" committee for the correctional institutions, and Governor Blair signed it. The

whole new administrative setup should bring marked improvement in Missouri's penitentiary program.

The division of training schools administers three institutions--one for white and Negro boys at Boonville, one for white girls at Chillicothe, and one for Negro girls at Tipton. These are declared by the Constitution to be educational institutions (Article IV, Section 38) but are "assigned" to the Department of Corrections. All confinement in these schools is supposed to be for only two purposes--protection of society and reformation of the offender. Through the development of good character the young people in the institutions may become normal citizens in the future.

The programs of probation and parole, essential elements in any good penal program, are administered by a full time three-member state board of probation and parole appointed by the Governor. The underlying assumption is that many offenders can be made good citizens more easily by leaving them in or returning them to the community than by keeping them in prison. Probation, which consists in leaving the offender in a normal life situation under the supervision of a law enforcement officer instead of sending him to prison, is a form of treatment used only for first offenders who have not committed serious crimes. It can be ordered only by a court. Parole, somewhat different from probation, is the release of an offender from a correctional institution before the end of his term, subject to being sent back if the conditions of the parole are violated. It is the board of probation and parole and not a court which orders this transfer from prison to private life. As in the case of probation, an officer continuously supervises the parolee.

The correctional institutions, in addition to the training schools noted above, include the state penitentiary at Jefferson City, the intermediate reformatory at Algoa Farms east of Jefferson City (primarily for first offenders between the ages of 17 and 25), and a woman's prison at Jefferson City. The last named institution prior to 1955 was a branch of the state penitentiary, but now has separate status with its own woman superintendent. The penitentiary has an average prison population of about 3000. Some 2000 are received each year and about the the same number released. In 1938 Missouri adopted lethal gas as the method of capital punishment; executions in the gas chamber have averaged about two a year.

In 1957 a broad revision of the juvenile code was enacted for the better treatment of offenders age 17 and under. Juvenile courts are empowered to use psychiatric consultants, and children taken into custody are not treated as criminals. For felony and traffic cases, however, the judge still has the discretion of trying a child over 14 as an adult.

STATE REGULATION. With the increasing complexity of modern living public regulation of various private pursuits becomes more and more necessary. Here lies the key to the successful maintenance of "free enterprise" as a system. A balanced degree of regulation is the answer to monopoly and other abuses of free enterprise.

Incorporation of business firms is controlled by state law, as are dealings in stocks, bonds, and securities. These matters are handled by departments in the office of the Secretary of State. Banks and savings and loan associations are regulated through divisions of the Department of Business and Administration; special boards of appeal are provided from adverse decisions of these divisions, as was noted in chapter 12. The conditions prevailing in industries and mines are subject to inspection by appropriate divisions in the Department of Labor and Industrial Relations. The Industrial Commission serves as a review agency for decisions regarding workmen's compensation and employment security.

The state board of mediation, established by the King-Thompson Act of 1947, is charged with the function of settling labor disputes involving public utilities. If the board fails to settle a dispute through acting as mediator, it may refer the dispute to a public hearing panel of three

for recommendation of a solution; this recommendation is advisory only, not binding on the parties. The act also gives the Governor authority to seize a public utility threatened by strike or lockout if in his judgment such is in the public interest. Upon seizure, either a strike or a lockout is subject to heavy penalties. There have been eight seizures through 1960, five involving utilities in Kansas City and three involving utilities in St. Louis.

In March 1951 the Attorney General held in an opinion that the King-Thompson Act was unconstitutional, basing his action on a decision of the Supreme Court of the United States holding a similar Wisconsin statute unconstitutional. When the state comptroller accordingly refused to certify payments covering administrative expenses of the board, the latter prosecuted and won in November before the Supreme Court of Missouri a mandamus suit compelling the payments. In rendering this decision, however, the Court confined its attention to that part of the statute which created the board and defined its duties, finding these constitutional. It did not pass on the constitutionality of seizure by the state of a public utility when a strike or threatened strike jeopardizes the public interest. The state board of mediation, therefore, now administers the King-Thompson Act as if the whole of it is constitutional, taking the position that the seizure division of the act is valid until declared otherwise by a court of competent jurisdiction. In 1955 the General Assembly enacted legislation softening the effect of some of the provisions of the King-Thompson Act on striking labor groups, but this was vetoed by Governor Donnelly after the Assembly adjourned. Further attempts to reduce the effectiveness of the act or to repeal it completely were made in every subsequent session of the General Assembly, but so far without success.

The public service commission is one of the most important regulatory bodies of the state government. It regulates the rates charged, and the business practices used, by various services operating in Missouri--railroads, bus lines, truck lines, electricity, gas, water, telephone, and telegraph. Its activities are comparable to those of the federal Interstate Commerce Commission, which regulates similar services when they cross state lines. Complaints regarding rates and operational methods may be taken to the public service commission for hearing and settlement.

Constant checking on the sanitary conditions of all places which prepare or serve food and soft drinks is done through the bureau of food and drug inspection of the division of health. Restaurants and soda fountains which fail to maintain certain standards are forced to improve conditions or close. The liquor control department attached to the Governor's office has the power to issue, suspend, and revoke liquor and beer licenses. The Department of Agriculture maintains a staff of dairy inspectors to enforce the regulatory provisions of state laws on milk, ice cream, and frozen food lockers. A law passed in 1957 provides for strict inspection and licensing of nursing homes for elderly people. A water pollution control board protects the streams and lakes of the state from contamination by sewage and industrial wastes. The state athletic commission has supervision over wrestling and boxing matches in Missouri; its expenses are covered by the sale of licenses to promoters, to boxing and wrestling officials, and to participants.

The licensing of the professions is handled by fifteen different boards assigned to the Department of Education (see chart in chapter 12), plus, for the legal profession, the state board of law examiners which is appointed by the Supreme Court. The certification of teachers for the public schools is done by the division of instruction in the Department of Education, and by the state universities and state colleges. These various agencies set standards and, in varying degrees, regulate practices in their respective professions. In 1959 the licensing of medical and osteopathic practitioners was combined in one licensing board.

Drivers' licenses are issued through the division of collection of the Department of Revenue, and examinations for granting the licenses are administered by the highway patrol. The patrol of course also polices the highways, regulating in many ways the driving habits of motorists.

The state soil and water districts commission coordinates the activities of over forty soil and water conservation districts which promote soil conservation practices among the landowners concerned. Most of these districts are in the northwest, northeast, and southeast corners of the state.

An outstanding example of regulation is that provided by the Missouri Conservation Commission and its divisions with the objective of conserving and developing the fish, game, and forest resources of the state. The forestry division carries out a statewide program of fire prevention, reforestation, and woodland management (farm forestry). All the tree-covered land in Missouri, some fifteen million acres, constitute the concern of this division, with about half the area under constant watch for fires. About ninety fire towers are now maintained. Reforestation is encouraged by providing seedling trees and shrubs to farmers at low cost, from two state nurseries at Licking and Sullivan. Fourteen "farm foresters," operating in 57 counties of the state, assist timberland owners in improving the productivity of their forest lands.

The fish and game division seeks to regulate the taking of fish and game, and to provide conditions calculated to increase wildlife supplies in streams, fields, and woods. This it does through restrictions on hunting and fishing, through the moving of surplus game to areas where it is scarce, through educating landowners regarding the planting and use of their lands in order to attract and support more wildlife, through creating new water areas for fish, and through the production of fish in hatcheries for planting elsewhere. Predator control, like the trapping of coyotes that prey on livestock, is a part of the fish and game program.

The enforcement arm of the Department is the field division, with its wildlife conservation agents, more than 100 in number. These agents administer the hunting and fishing regulations throughout the state, and make arrests when necessary. The conviction record of these is about 98% (4297 convictions for 4403 arrests in 1960). Eight field service agents in seven field districts provide guidance and assistance to agricultural agencies and farmers in the many aspects of the Department's work.

The financing of the Department of Conservation, which receives no appropriations from the General Assembly except a small sum for administering the State Forestry Act of 1946, is done mostly through the sale of hunting and fishing permits and by federal grants. A total of 852,638 permits were sold in 1960, bringing in the sum of \$3,133,246.

STATE SERVICES. Particularly in the last quarter-century Americans have increasingly come to expect positive services and benefits furnished by the government and paid for out of public funds. The early conception of American democracy emphasized the negative side of government--the police function of protecting persons and property from harm. It was well summarized by the remark attributed to Thomas Jefferson, "That government is best which governs least." The rise of the public school system many decades ago showed that government was willing to go beyond the mere protective aspect and supply a positive community service out of tax funds. The trend has spread until today practically everyone receives various governmental services and benefits during his lifetime. Much of this is provided by the federal government. Much also comes from the state governments. In many instances the two levels work together through the federal grants-in-aid program, where federal funds are channeled into state programs approved and regulated by federal policy.

The largest category of such assistance is in the social security field--old age assistance, aid to dependent children, disability assistance, etc. These services, costing annually about \$150,000,000, of which more than half comes from the federal government, are administered by the division of welfare in the Department of Public Health and Welfare. Closely related are the unemployment compensation and workmen's (industrial accident) compensation programs, administered by divisions in the Department of Labor and Industrial Relations. Through payments made by employers a very large unemployment compensation fund has been created, out of which benefit payments are made to persons who find themselves out of work through no fault of their

own. Branch offices in most of the principal towns of the state assist in the administration of the unemployment program. The division of workmen's compensation carries out the laws on payments for industrial accidents. The state board of rehabilitation promotes the rehabilitation of workers affected by the Workmen's Compensation Act.

Concern for public health is evident in the far-reaching health services provided by the state for its people and administered through the division of health of the Department of Public Health and Welfare. Complete records of births and deaths in Missouri are kept. Records of the occurrence of various diseases are compiled, and supplies of vaccines are sent to physicians and local health departments over the state. State-maintained laboratories in Jefferson City, Springfield, and Sikeston make constant tests to help control diseases, to discover harmful matter in foods, and to insure the safety of water supplies.

Helpful information on cancer and chronic disease control is prepared and distributed by this division for the prevention of such disease and the discovery of it in its early stages. Maternal and child health, fluoridation of local public water supplies, and public health nursing, are promoted. Advice and standards are available to local governments regarding disposal of garbage and sewage, regulation of swimming pools and camp grounds, and in general the building of a clean and healthful environment. The licensing of local hospitals and the distribution of federal funds (on a matching basis) under terms of the federal Hill-Burton Act, are done through a unit of this division.

Two state hospitals are administered by the division of health. The Missouri State Sanatorium at Mount Vernon, largest hospital in the group, is for the treatment of tuberculosis. It takes both indigent and pay patients, but if there is a waiting list it gives preference to those who cannot pay. The Ellis Fischel State Cancer Hospital at Columbia, one of the best staffed and equipped in the entire country, admits only indigent residents of Missouri. The division of health also works closely with county health programs, rendering advice and assistance where needed and requested; this is done through five district health units over the state, with headquarters at Cameron, Macon, Jefferson City, Poplar Bluff, and Springfield, respectively. The health programs of individual counties, administered either by the county courts or by the boards of health center trustees, are mentioned in chapter 16. There are 19 county hospitals in Missouri.

In the field of mental health the state maintains five hospitals, located respectively at Fulton, St. Joseph, Nevada, Farmington, and St. Louis. The combined average daily population of these institutions for the year ending 30 June 1960 was 11,252. There are two training schools for the mentally retarded--one at Marshall (with branches at Carrollton and Higginsville) and the other at St. Louis. Their combined average population for the same year was 2594. An innovation added in 1955 was the providing of traveling psychiatric clinics for the examination and care, on an out-patient basis, of persons suffering from mental and nervous disorders. County welfare offices work closely with the clinics in locating and referring patients.

It was said above that social security was the most expensive of the state services to the public. Second in cost are highways, judging either from federal grants or from the state's own expenditures. Since the 1920s Missouri has been known for its good all-weather highway system, which now totals about 30,000 miles. In part this has been due to good financial resources--revenue from the motor vehicle fuel tax and vehicle registration fees, bond issues, and grants-in-aid from the federal government. Equal credit should go to capable leadership and management provided by the top officials.

Being predominantly an agricultural state Missouri offers a broad variety of services to farmers. These are administered through various divisions of the Department of Agriculture. The crop-reporting service is a cooperative undertaking supported financially by both the state of Missouri and the federal Department of Agriculture. The assessor in each county gathers crop records from the farmers in the area and sends the information to the agricul-

tural statistician in Columbia. This official in turn transmits the data to Washington, D. C. Such records are used as a basis for forecasting crops and for advising farmers regarding new planting. The division of entomology is concerned with the control and prevention of plant diseases and insect pests. The division of grain warehouse supervises the grading, weighing, and storage of grains shipped through the main terminals of Missouri. A new and highly important function given to the Department of Agriculture by the General Assembly in the spring of 1955 consists in the licensing and control of the sale and distribution of insecticides. The college of agriculture and the agricultural extension service of the University of Missouri provide much valuable research and information on various farming problems. There are also state fruit and poultry experiment stations at Mountain Grove.

A complete offering of public education, from lowest to highest levels and embracing practically every field of learning for which there is any demand in this state, is supplied through the local public school system, the division of public schools in the State Department of Education, and the institutions of higher learning. The division of public schools has two separate divisions of its own--administration and instruction. The division of administration, through its various sections, provides many services to the public schools of the state, among them apportionment of state funds for the support of schools, assistance in planning new buildings and modernizing old ones, planning for the enlargement and reorganization of school districts, and administration of the national school lunch program in the state. The division of instruction is concerned with improving the instructional programs in all schools to permit fullest development of every child's capacities. Different aspects of the curriculum are being constantly studied by various sections of this division. These sections advise and assist schools in programs of health and physical education, industrial arts, fine arts, and special education of any sort calculated to aid child development. Under the supervision of the director of special education two important schools serve special needs--the Missouri School for the Deaf at Fulton, and the Missouri School for the Blind at St. Louis.

Vocational education--which directly prepares for earning a living in agriculture, industry, and commerce--is a major concern of the division of instruction. About 260 vocational agriculture programs, reaching 12,000 farm boys, are being offered in the high schools. The activities of the Future Farmers of America are a part of this program. Adult education also is provided--during the year ending in June 1960 nearly 5000 farmers received instruction in 202 adult farmer classes arranged through the division. An institutional on-farm training program is open to veterans, several thousand of whom take advantage of it annually. Vocational industrial programs help the young person in high school who wants to work part time in an industrial position (the D. O. or diversified occupation program), and also the older worker who wishes to qualify for job promotion by taking evening classes. "Distributive education" is another service, seeking to train young people (and adults in evening classes) in those business traits and skills useful in the selling of commodities.

Missouri has two universities (at Columbia and Jefferson City) and five state colleges (Cape Girardeau, Kirksville, Maryville, Springfield, and Warrensburg).

The Missouri State Library at Jefferson City maintains a lending library of about 190,000 volumes, and engages in a variety of activities calculated to encourage both the establishment of libraries in those counties not having such, and the improvement of existing library facilities in schools and counties generally. Thirty-one counties of the state now have county-wide libraries as a result of this service; in addition there are twelve regional libraries serving 31 counties. Two demonstration "bookmobiles" assist in the program of establishing new libraries.

The subject of conservation was treated earlier as an example of state regulation. It may equally be cited here as an outstanding service to those many citizens interested in the wildlife, forest, and recreational resources of the state. Carefully administered policies of fish and game production make possible extensive hunting and fishing seasons in the state. Special areas are

maintained for public fishing and shooting, such as Duck Creek, Fountain Grove, Swan Lake, Trimble, and Wappapello. The state encourages and assists in the development of smaller local lakes for conservation and recreation purposes. In addition there is the constantly expanding state park system, now consisting of thirty parks and four memorial places.

The division of commerce and industrial development, in the Department of Business and Administration, was created to improve and expand the use of the many natural resources (not covered by the Conservation Commission) and industrial opportunities of the state. It has sections on aviation, industrial development, recreational development, flood control and water development, and museum. Many booklets and maps on these subjects are published by the agency.

The state renders many services in addition to those which have been briefly mentioned here. Enough has been said, perhaps, to indicate the extent to which the government of the state has become a reliable and pervasive supplier of positive benefits and assistance for its citizens. No one seriously demands a reversal of the trend, since it appears to be an accepted viewpoint to look to government for services which, strongly desired by the people, cannot or will not be adequately performed by private agencies. It should be recognized, however, that such services cost money and that it is chiefly the taxpayers who shoulder the burden.

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Most of the executive and administrative departments and agencies issue annual or biennial reports. Individual copies may be obtained by writing the particular agency concerned. These have often been collected and bound as an Appendix to the Journals of the General Assembly.

Chapter 15

COURTS AND JUDGES

The judicial branch of the government is the branch which takes care of two kinds of troubles that probably will always exist--violations of the laws, and disputes between persons. Before the system of courts in Missouri is described, it will be helpful to define a few technical terms.

A criminal case is one in which a law has been violated, causing an injury primarily to the state. The accused, if found guilty, may be punished by fine, imprisonment, or even execution. Thus a murder is considered an injury not only to the victim but also to society as a whole, and the state may take action against the murderer, bring him to trial, and imprison or execute him.

A civil case is quite different, frequently being based on nothing more than an honest difference of opinion between two persons or corporations, perhaps over the interpretation of a contract, or from an accident in which some person or property was hurt through the fault or negligence of someone else. The term "tort" rather than "crime" is applied to such acts which cause loss to other people. In a civil lawsuit the person who loses is not fined or imprisoned, but may have to pay "damages" to the injured party in an amount determined by the court.

An original case is one which is tried for the first time. An appealed case is one which has already been tried, but is being taken to a higher court for review because one of the parties is dissatisfied with the decision. Sometimes the higher court will decide that the lower court made a mistake, and so will "reverse" the first judgment. Or it may agree with the lower court and "sustain" or "affirm" the judgment.

The jurisdiction of a court is the authority it has over cases. Some courts take only original cases (original jurisdiction), others only appealed cases (appellate jurisdiction). The subject-matter of the case is also a determining factor; some courts may try only minor criminal cases (misdemeanors), others more serious crimes (felonies), others cases involving various amounts of money, and still others special categories of cases like divorce or juvenile delinquency. If a court has exclusive jurisdiction in a certain case, this means that no other court may take the case. If several courts have concurrent jurisdiction, the case may go to any of them.

MAGISTRATE COURTS. In every county there is a magistrate court, which is the lowest level of court in Missouri. Many states call them "justice of the peace" courts, as did Missouri before the new Constitution went into effect. Each magistrate court has one judge, except in some counties where the size of the population requires more; even in multiple-judge counties there is still only one court, the several judges sitting in separate divisions. The magistrate is elected by the voters of the county for a term of four years. In counties with less than 30,000 population there is no special magistrate, his duties being performed by the probate judge.

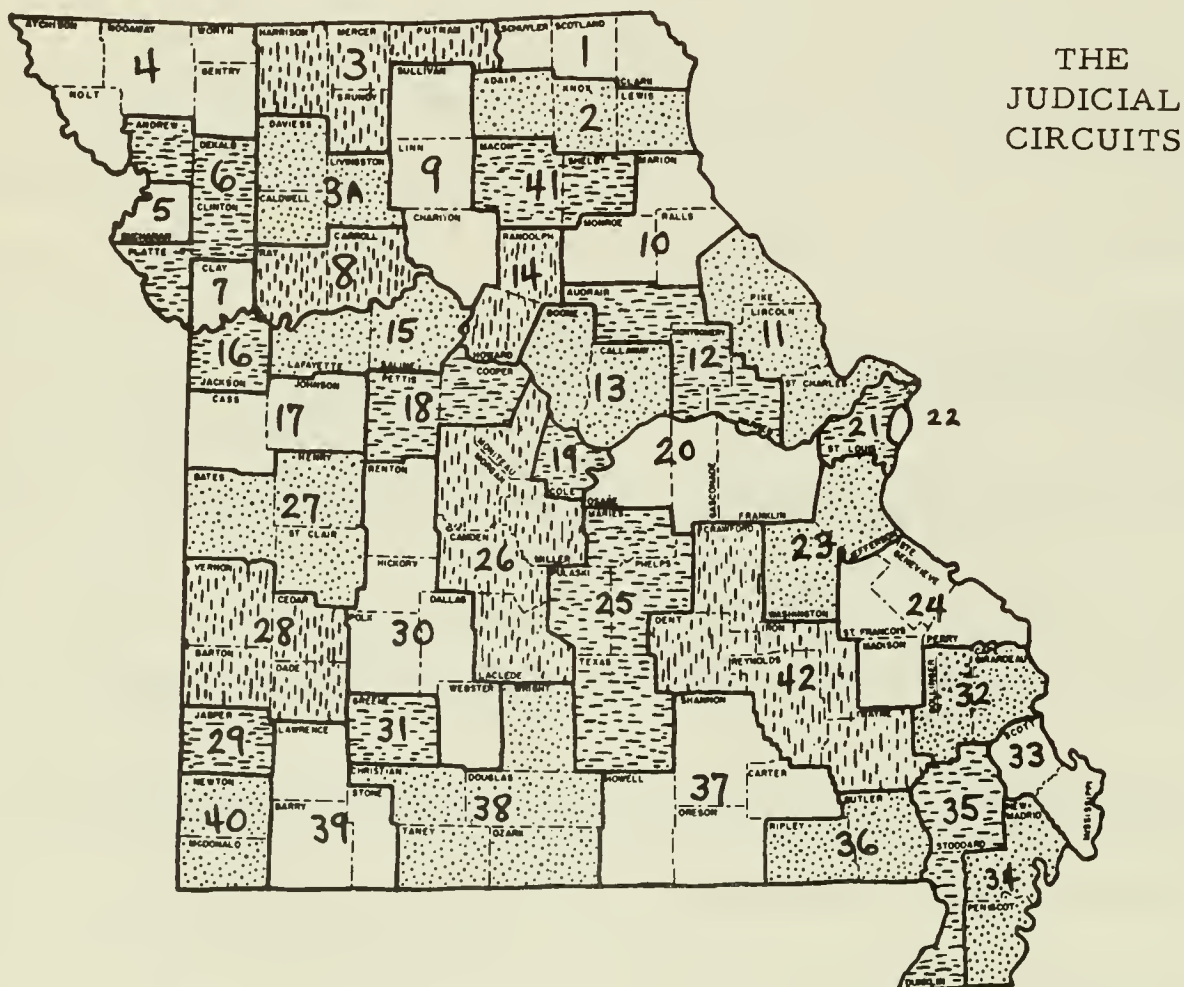
Magistrate courts have only original jurisdiction--they cannot take any case appealed from another court. They may take civil lawsuits involving small sums of money (below \$500 in most counties); and they may try minor criminal cases (misdemeanors) where the punishment is either a fine or a sentence in a jail or workhouse. They do not take cases for which the punishment is imprisonment in the state penitentiary.

PROBATE COURTS. The primary function of the probate court, of which there is one in every county, is to settle the estates of deceased persons and to see that the terms of wills are carried out. Probate judges have 4-year terms; they are elected by the people in all counties

except St. Louis City and Jackson County, where the nonpartisan selection plan is used instead. As was noted above, the probate judge has the duties of magistrate added to his regular functions in counties of less than 30,000 population.

ST. LOUIS COURT OF CRIMINAL CORRECTION. Because of the extra need for it the City of St. Louis has a special Court of Criminal Correction which may be considered on a level with the magistrate courts. It is a state court and not a city court--that is, it takes cases involving violations of state law; separate city courts exist for city offenses. The Court of Criminal Correction consists in two judges selected for 4-year terms by the nonpartisan machinery. It has original jurisdiction over misdemeanors, and appellate jurisdiction over cases appealed from the magistrate court and from the police courts of the city.

CIRCUIT COURTS. The circuit courts are the courts where practically all state civil and criminal cases begin, except those minor ones taken by the magistrate courts. They even take cases involving the federal Constitution and laws unless one of the parties chooses to have the case tried in a federal court. Circuit courts also have appellate jurisdiction over cases from the magistrate and probate courts.



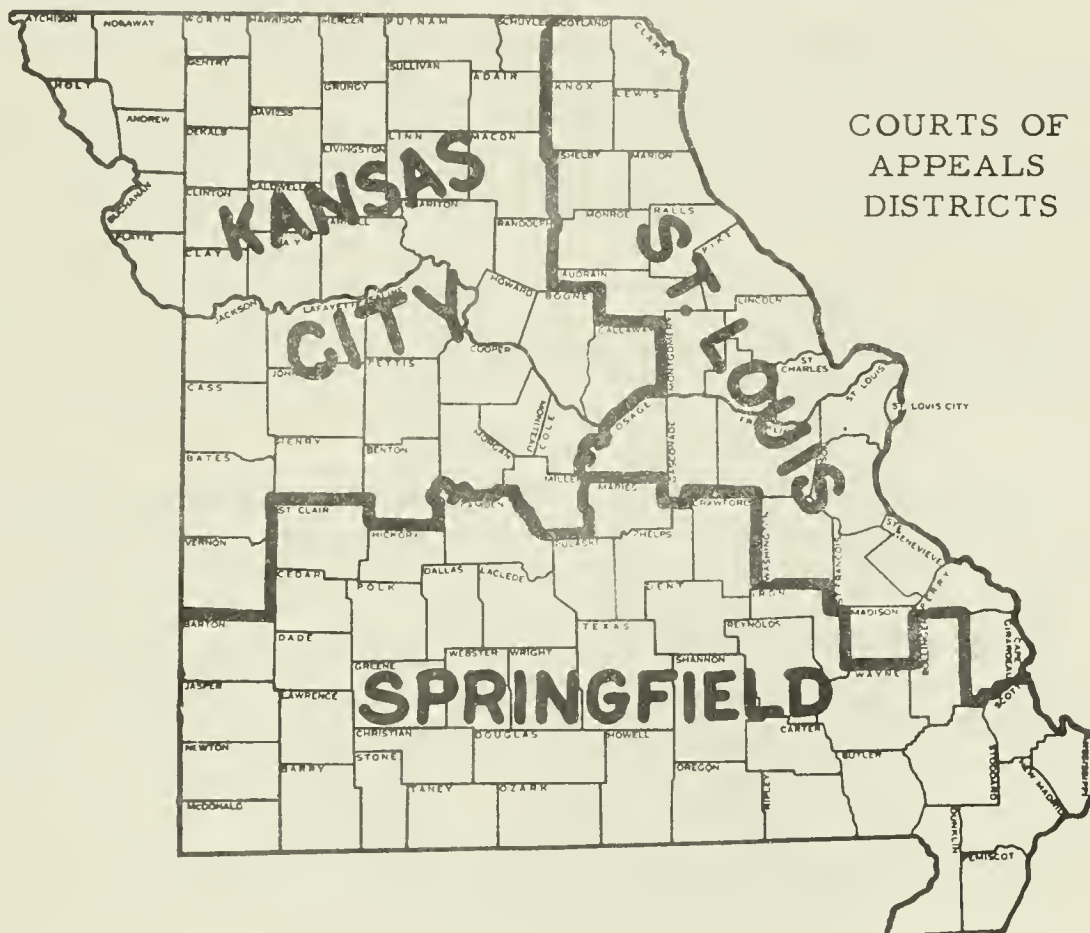
Note: This is the arrangement of circuits established by law of 1959, some of the circuits being temporary. The law provided for several further changes to take effect in 1965 (the counties in circuits 1, 2, 3, 3A, and 9 to be rearranged into four circuits--1, 2, 3, and 9).

There are presently 43 judicial circuits (the number is to be reduced to 42 in 1965), each comprising from one to five counties and having one circuit court. If there is more than one county in a circuit the judge holds court in each county seat at different times. The judges are elected by the people everywhere except in St. Louis City and Jackson County, where the non-partisan plan operates. The term of office is six years. Salaries range from \$16,000 to \$19,000, depending on the circuit. Most circuit courts have only one judge, but the following circuits have more:

| | | | |
|-------------------------|----|-----------------------|----|
| 5th (Buchanan County) | 3 | 22nd (St. Louis City) | 18 |
| 7th (Clay County) | 2 | 29th (Jasper County) | 2 |
| 16th (Jackson County) | 13 | 31st (Greene County) | 2 |
| 21st (St. Louis County) | 10 | | |

COURTS OF COMMON PLEAS. There are two "courts of common pleas" in the state, representing a particular need in two places--Cape Girardeau and Hannibal. The one in Cape Girardeau has a full-time judge elected by the people, but in Hannibal the local circuit judge presides over the court. These courts have concurrent jurisdiction with the circuit courts in their areas in certain types of cases: in Cape Girardeau it is civil and juvenile cases; in Hannibal it is civil and criminal. In addition the Cape Girardeau court has exclusive appellate jurisdiction in cases tried in the city police court.

COURTS OF APPEALS. To relieve the Supreme Court from many of the appeals made from decisions of the circuit courts, the state has been divided into three large appellate districts with a court of appeals for each. These are at St. Louis, Kansas City, and Springfield, respectively. The Springfield court holds its sessions at both Springfield and Poplar Bluff. Each court has three judges, and all are selected for 12-year terms through the nonpartisan commission machinery. The judges in the St. Louis and Kansas City courts are assisted by commissioners appointed by them for four-year terms, who help study the cases and write the opinions. Salaries of judges and commissioners are \$21,000. The courts of appeals take all appeals in civil cases where the money in dispute is not more than \$15,000, and all appeals in criminal cases where the offense is a misdemeanor.

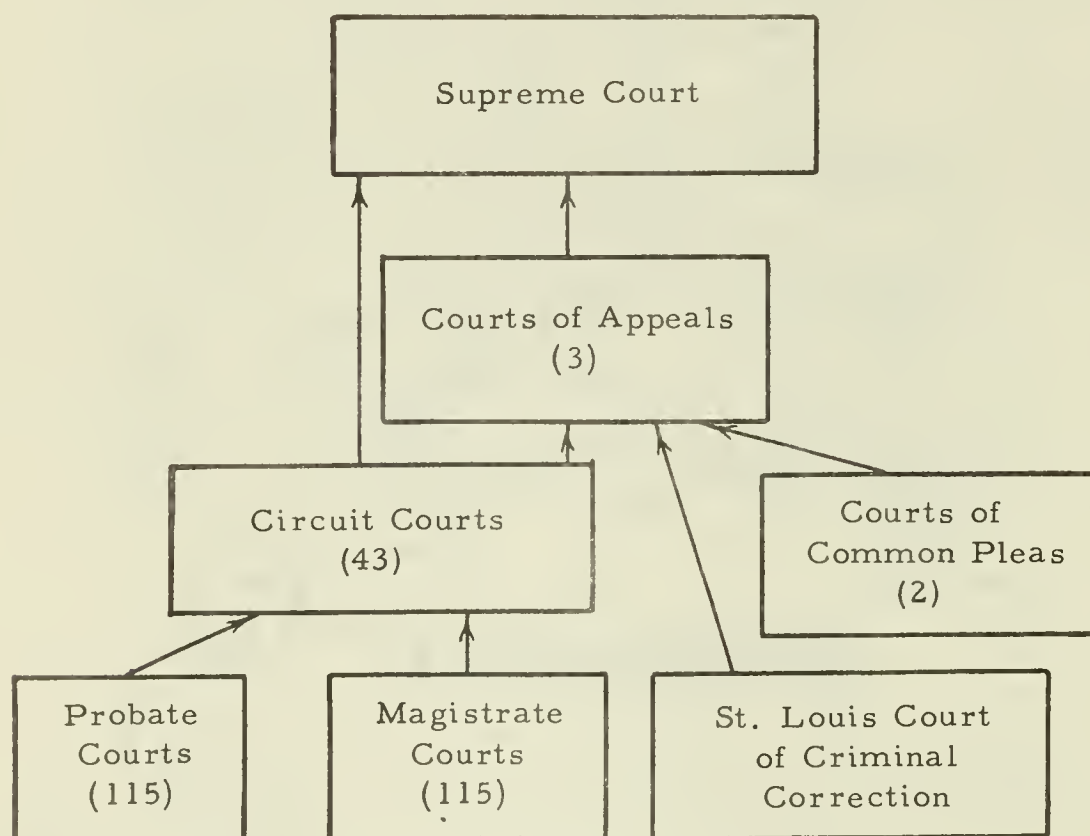


SUPREME COURT. The Missouri Supreme Court consists of seven judges selected for 12-year terms by the nonpartisan plan. The position of Chief Justice is filled by the Court itself, on the basis of seniority. The Constitution authorizes a four-year term for the top post, but practice has been for the incumbent to resign it after holding it for one-seventh of his 12-year term, thus passing around the honor as well as the burden. Assisting the judges are six commissioners chosen by the Court. The present salary of judges and commissioners is \$22,500. This Court has appellate jurisdiction in all important matters--felonies, controversies involving amounts larger than \$15,000, cases involving interpretation of the Constitution of the United States or of Missouri, and others. It can also take any case appealed from one of the three courts of appeals. It has original jurisdiction in impeachment cases (where the officer is other than Governor or a member of the Supreme Court), in issuing certain writs, and in certain election contests.

The Court sits in two divisions--Division I with four judges, and Division II with three judges. The assignment of cases is roughly alternated between the Divisions; care is taken, however, that cases from a certain area (as St. Louis) do not all get allocated to the same Division. For some types of cases the whole Court sits en banc, as for those in which the death penalty has been assessed. There are three sessions a year--January, April, and September. Between 500 and 600 cases are disposed of annually, about half of them on mere motion and the other half accompanied by written opinions. The Missouri Supreme Court keeps up with its business very well, having a much better record in this respect than the supreme courts of some other states.

In pursuance of statute, the Supreme Court appoints the five lawyers who constitute the state board of law examiners. The function of this Board is to conduct the bar examinations which every lawyer must pass before practicing the profession in Missouri. The examinations are given three times a year, on the fourth Mondays of February, June, and October.

MISSOURI COURTS, AND LINES OF APPEAL



NONPARTISAN SELECTION OF JUDGES. All judges in Missouri must be licensed lawyers. They get their positions either through direct election by the people or through a complicated procedure involving both appointment and subsequent election. The diagram at the front of the book indicates which method is used for the various courts. The nonpartisan plan is employed for judges of the Supreme Court, the courts of appeals, the circuit and probate courts in St. Louis City and Jackson County, and the St. Louis Court of Criminal Corrections.

In any of the 42 judicial circuits where judges are now elected, the voters may if they wish change to the nonpartisan method. Article V, Section 29 (b) of the Constitution, however, specifies that "The General Assembly may provide the manner in which the question shall be submitted to the voters", something which the legislature has not yet done. In the fall of 1950 an attempt was made by a group of citizens in the then 13th judicial circuit (St. Louis County) to change to the nonpartisan plan. Signatures were secured on petitions, and these were presented to the Secretary of State and to the board of election commissioners of St. Louis County asking that the question be placed on the ballot at the November 1950 election. When both agencies refused, a group of five St. Louis County lawyers filed a mandamus suit to compel compliance. The Supreme Court decided, however, that the Constitution clearly required that the General Assembly pass enabling legislation before the question could be submitted to the voters of the circuit. Such enabling legislation was introduced in the 1959 regular session of the General Assembly but failed to pass.

The operation of the nonpartisan court plan involves the following steps:

1. When a vacancy occurs in a judgeship, the appropriate nonpartisan judicial commission nominates three names to the Governor.
2. The Governor appoints one of these three persons to fill the vacancy, and the new judge enters upon his duties immediately. This appointive term expires on December 31st following the next regular November election held after he has had a full 12 months in office.
3. If the judge wishes to continue in office beyond this brief time, he must file his candidacy for election not later than 60 days before the regular November election referred to.
4. At this election the people are asked: "Shall Judge _____ of the _____ Court be retained in office?" If a majority vote Yes, he will serve a full term (12, 6, or 4 years, depending on the type of judgeship he is in) beginning January 1st after the election.
5. To be re-elected at the end of this full term a judge need only repeat the formalities of steps 3 and 4.

It should be noted that a newly elected judge never "fills out the unexpired term" of a predecessor, but always begins a full term in his own right. Accordingly it is not possible to determine any permanent date schedule of terms for judges under the nonpartisan plan.

An example may serve to clarify the rather complicated process. Judge Ernest M. Tipton, whose 12-year term on the Missouri Supreme Court would have run to 31 December 1964, died on 25 February 1955. A vacancy having thus been created, the Appellate Judicial Commission began considering recommendations for a replacement. On 4 April 1955 it submitted to Governor Donnelly three names. From these the Governor chose Clem F. Storckman on April 21st. The appointive term of Judge Storckman ended 31 December 1956, because the first general election after he had twelve months in office occurred on 6 November 1956. Since he desired to remain in the position after 31 December 1956 he filed as a candidate sometime prior to 7 September 1956. At the subsequent election on November 6th he of course had no opponent; the voters were asked simply whether they wished to retain him in office or not. If a majority had voted "No," then he would have left office at the end of his appointive term (31 December 1956) and the Governor would have proceeded to appoint a new person from a new list submitted

by the Appellate Judicial Commission. The people voted to retain Judge Storckman, however, and he began a full 12-year term on 1 January 1957, which will run to 31 December 1968. If he wishes to run for re-election in 1968 he must file not later than sixty days before the November election of that year.

It is interesting to note the manner in which the judicial commissions are made up. The Appellate Judicial Commission, which makes the nominations for the Supreme Court and the courts of appeals, consists of three laymen appointed by the Governor, three lawyers elected by the bar in the different appeals districts, and the Chief Justice of the Supreme Court as chairman ex officio. The six regular members have six-year terms, one expiring each year. The order of election and appointment of these commissioners is as follows, the cycle continuing automatically:

From Kansas City Court of Appeals District:

End of 1961, lawyer member elected by bar.

End of 1962, lay member appointed by Governor.

From St. Louis Court of Appeals District:

End of 1963, lawyer member elected by bar.

End of 1964, lay member appointed by Governor.

From Springfield Court of Appeals District:

End of 1965, lawyer member elected by bar.

End of 1966, lay member appointed by Governor.

From Kansas City Court of Appeals District:

End of 1967, lawyer member elected by bar.

Etc.

Nominations for circuit and probate judges in St. Louis City, and for judges in the St. Louis Court of Criminal Correction, are made by the Twenty-second Circuit Judicial Commission. This consists in two lawyers elected by the local bar, two lay members appointed by the Governor, and the presiding judge of the St. Louis Court of Appeals as chairman ex officio. The four regular members of this commission have six-year terms, staggered so that they all expire in different years.

Nominations for the circuit and probate judges in Jackson County are made by the Sixteenth Circuit Judicial Commission, composed similarly to that of the Eighth Circuit.

For all the commissions, lawyer members are elected in the odd years, by ballots mailed in to the clerk of the appropriate court of appeals and counted on the first Saturday in December. Lay members are appointed by the Governor in the even years. All are nonsalaried.

The effort to keep the "nonpartisan" system out of politics is not always successful. For ten years, from 1940 to 1950, the new plan saw every vacancy filled by an appointee known to be of the same political party as the Governor. On 28 October 1950 the Appellate Judicial Commission submitted three Republican names to Democratic Governor Forrest Smith for a vacancy on the St. Louis Court of Appeals. Faced with this restrictive choice the Governor selected one of the three and thus broke the precedent of party regularity. In Governor Phil Donnelly's second term the tradition was completely shattered when the Governor, also a Democrat, on 2 December 1953 appointed Republican O. P. Owen to the St. Louis Circuit Court, choosing him from a list of two Republicans and one Democrat submitted by the Commission. Since then Governor Donnelly appointed other Republicans and Democrats.

Another precedent was broken by Governor Donnelly in October 1953 when he refused to select anyone from three slates of three nominees each submitted for three judicial vacancies

in the 16th Circuit (Jackson County). Since the Constitution states in Article V, Section 29(a), that "the governor shall fill such vacancy by appointing one of the three persons...who shall be nominated and whose names shall be submitted to the governor by a non-partisan judicial commission", there was some feeling that the Governor had no authority to send the lists back to the Commission for alteration. The Commission for its part decided that it had no authority to alter the lists once they had been submitted, and promptly returned them to the Governor. The Supreme Court, seeking to help break the deadlock, in July 1954 revised its rules governing administration of the court plan and declared that a nominating commission could, for cause, withdraw or revise a list of nominees sent to the Governor. Since such withdrawal of a name could imply grave criticism against a nominee, the Commission in question sent the lists back to the Governor intact, who as promptly returned them. This interchange took place four times. Finally the Commission slightly reshuffled the names in January 1956, and Governor Donnelly grudgingly made the appointments on February 7.

From an overall view Missouri's nonpartisan court plan appears to be quite successful. Judges are capable and the courts operate at a high level of efficiency. To date only one judge has received a "No" vote at the end of his appointive term. This took place in the first election held under the new plan, in 1942, when Judge Marion D. Waltner was not returned to his position in the Sixteenth Judicial Circuit (Jackson County). On a few occasions there has appeared some agitation for abolition of the system or for major changes in it, but these movements have not struck a responsive chord with the public. The 68th General Assembly in the spring of 1955 established an interim commission to investigate the operation of the system, but the commission was invalidated with the others in July 1955. It is unfortunate that the Constitution requires the judicial ballot to be marked by the antiquated "scratching" method (p.44); this inconvenience, however, is hardly great enough at the present time to warrant a remedial constitutional amendment. Other states in the Union have been observing with interest Missouri's pioneering experience in the selection of judges.

RETIREMENT. In 1951 the General Assembly passed a retirement law, by the terms of which judges may retire at age 65 on one-third pay provided they have served a total of 12 years and do not resume law practice. After retirement they are subject to recall if needed for temporary duty as a special commissioner or referee. The act applies to all except probate judges and magistrates.

JUDICIAL CENTRALIZATION. In 1943 the legislature established the Judicial Conference of Missouri as an official organization of the judicial branch. It consists of all state judges except those on the probate and magistrate level. The governing body of the Conference is an executive council of nine--three Supreme Court judges, three appeals judges, and three circuit judges. The Conference and the executive council have the responsibility of studying judicial conditions in the state and of making recommendations to the General Assembly regarding more efficient operation of the courts. The Conference meets annually in one of the larger cities; the executive council meets more frequently as need arises.

With the adoption of the new Constitution in 1945 additional opportunities for centralization and coordination appeared. Article V, Section 5, gives the Supreme Court power to "establish rules of practice and procedure for all courts", provided they do not change "substantive rights, or the law relating to evidence, the oral examination of witnesses, juries, the right of trial by jury, or the right of appeal". The new power is already being used to render court procedure more efficient and consistent throughout the state. Newly promulgated civil and criminal rules are now in full effect over the state.

The field of transfer of personnel presents another large opportunity for centralization. Article V, Section 6, of the Constitution allows the Supreme Court to "make temporary transfers of judicial personnel from one court to another as the administration of justice requires", and Section 15 of the same Article provides that "Any circuit judge may sit in any other circuit at the request of a judge thereof". Transfer of judges, permitted in many states and in the federal judiciary, is extremely helpful in reducing the dockets of overburdened courts. The result-

ing possibilities of flexibility and coordination in the judicial branch constitute one of the most significant improvements of the new Constitution over the old one.

The Supreme Court was hesitant in ordering transfers for the first few years after 1945, but in the year beginning September 1949 nearly 100 such orders were made. All of these transfers were of appellate judges to the Supreme Court. The first instance of the transfer of a circuit judge to the Supreme Court was in May 1951, when Supreme Court Judge G. R. Ellison transferred Judge R. B. Oliver of Sikeston to the Supreme Court for a few days. Transfers by order of the Supreme Court currently amount to between 100 and 150 annually and involve various shifts among the courts, including some between the two divisions of the Supreme Court itself. Most transfers are for a few days, or for a particular case. Transfers of circuit judges to other circuit courts at the request of the latter are frequent, but full statistics are lacking.

Through the three devices of Conference, rule-making, and transfer of personnel the Missouri court system is rapidly adjusting itself to the increased demands of the state's judicial business--an adjustment which would have been exceedingly difficult under the former constitution.

HOW A CASE IS TRIED. Far from being something to fear, the courts more than any other part of the government constitute the great bulwark guarding the citizens' liberties and guaranteeing justice. The material on civil rights in chapter 2 should be recalled in this connection, since so much of it relates to the purposes and operation of courts. Familiarity with the background and procedure of trials will help a person either to avoid them or to use them to best advantage if the need arises. Too, many trials of public significance are discussed in the newspapers, often in technical language which is difficult to follow without some background information. The remainder of this chapter is devoted to outlining the main steps involved in two kinds of trials--criminal and civil.

A CRIMINAL TRIAL. The first step in any criminal case, whether it involves a misdemeanor or a felony, is to arrest the person suspected of the crime. This is done by any peace officer (policeman, sheriff, patrolman). Sometimes the arresting officer must have a written warrant from a court, saying why the man should be arrested and giving permission for the arrest. A warrant is not necessary if the officer sees the person commit the crime, or if the officer has reason to believe that circumstances clearly justify an immediate arrest.

The next step is to make the formal charge. In Missouri no person can be held for longer than 20 hours without the filing of a charge. A somewhat longer holding is permitted in some states, but in Missouri if a person is held longer than 20 hours without a formal charge he may ask the court, through his lawyer, for a writ of habeas corpus, which is an order from the court to the arresting officer demanding that the suspect be brought into court and reasons given for his detention.

The formal charge may be made by either of two methods. The simplest is the filing of an "information" against the accused, which is a written statement, signed by the prosecuting attorney and supported by a witness, declaring that the accused is believed to have committed a particular offense. The more complicated method is by grand jury indictment, noted earlier.

Although the latter method may sometimes be preferred by the prosecuting attorney, it may also be resorted to by the circuit judge when for some reason the prosecuting attorney is unwilling to act. A grand jury is made up of twelve persons, selected by chance through a rather complicated procedure which need not be explained here. The jury meets at the call of the circuit judge and examines the evidence already found concerning the case in question. The duty of the grand jury is to decide whether this evidence is sufficient to justify holding a trial. If after examining the evidence at least nine of the twelve jurors decide that the evidence is serious enough, they report that they have found a "true bill" against the person. He is thereupon

"indicted" and a trial is ordered. If less than nine members of the jury agree to this, they report "no true bill" and the case is dropped. The grand jury is the only method possible for making a felony charge in a federal court. But in the states, owing to the difficulty of getting grand juries together and also of getting an indictment after they are together, the "information" method is the one most used.

When the formal charge has been placed, the arrested person is either confined to jail to await trial, or released "on bail", this being a sum of money put up by the accused or someone else as a guarantee that he will show up for trial when the time arrives. If he appears on schedule the money is returned. If he "jumps bail" the money is forfeited to the state. An accused may be held without bail if the offense is extremely serious.

In a criminal case the parties before the court are the state (commonly called the prosecution) and the accused (called the defendant). The dispute usually involves questions both of law and of fact. Questions relating to the meaning or interpretation of a law are decided by the judge, while those regarding facts are decided by the jury. The accused may, if he wishes, dispense with the jury and have the judge decide both kinds of questions. Trial by jury is considered one of his rights if he wants it, however. Although it adds to the time and expense of the trial, the defendant usually chooses to have a jury if the crime is a serious one. The trial jury consists of 12 persons, selected like those who sit on grand juries.

The trial begins with the prosecuting attorney making the first statement of the case against the defendant, and bringing in evidence and witnesses calculated to prove guilt. "Exhibits"--such as guns, ladders, ropes--may also be presented. The witnesses, after testifying for the prosecution, must submit to "cross-examination" by the lawyer for the defense.

When that is completed, the defense lawyer makes his statement in behalf of the accused, answering the charges made by the prosecution and producing new witnesses to testify in favor of the defendant. These witnesses also must undergo cross-examination if the prosecution wishes it. The defendant himself need not take the witness stand (for such could be compulsory self-incrimination) but if he does so in order to testify in his own behalf he thereby waives the immunity and must submit to cross-examination by the prosecution.

Every witness must tell the truth in answer to questions that are asked, except that he may refuse to answer a question if the answer would tend to incriminate him in another matter. If he makes deliberate false statements, and such is proved against him, he is guilty of the very serious crime of "perjury", which is punishable by imprisonment in the penitentiary.

When all the witnesses have been heard and all the evidence presented, and when each side has had the opportunity to answer the claims of the other side, the judge gives the jury its "charge" or "instructions", which is a summary of the points involved in the case, advice on how to interpret the evidence, and a listing of the possible decisions the jury might make. After this, the lawyer for each side makes a final speech to the jury, attempting to persuade it to decide in conformity with his arguments.

Special rooms are provided for the jury's deliberation. Here the case is discussed by the jurors until a unanimous decision has been reached on the question of the guilt or innocence of the defendant. The jury also sets the punishment, but if the members cannot agree on this point it will be left to the judge. The verdict, in whatever form, is delivered by the foreman of the jury in open court, and the trial thereupon comes to an end.

If the defendant has been found innocent, he is released immediately. If found guilty he is turned over to the sheriff or other officer, who will see that he is put in jail or sent to the penitentiary, or pays the fine, or is executed in the lethal gas chamber in Jefferson City, depending on the punishment decreed.

A CIVIL TRIAL. As was noted previously, a civil suit is usually one between private persons or corporations--not a case of the state against a suspected law-breaker. If a person feels that he or his property has been damaged by another he may go to the proper court and file a formal written "complaint". The sheriff takes this complaint to the other person, who in turn can go to the court and file a formal written "answer". The complaint and answer are known as the "pleadings". The person who makes the complaint is the "plaintiff"; the person against whom the complaint is made is the "defendant".

From this point onward the trial may be much like that in a criminal case, except less dramatic and sensational. If the plaintiff and defendant are not disputing any facts but disagree simply on the interpretation of law, then a jury is not used and the decision is rendered by the judge. As in criminal cases, the jury is used for the determination of facts.

If the decision is in favor of the plaintiff, the defendant pays the costs of the trial, plus "damages" to the plaintiff in an amount determined by the court. If the defendant does not pay within a reasonable time, the court will order the obligation paid through seizure of some of his property or "attachment" of some of his wages. If the decision is in favor of the defendant, the plaintiff pays the costs of the trial plus counter-damages if such are claimed and granted. The loser in a civil case cannot be put in jail or in the penitentiary, or executed, or even "fined" in the strict sense of the term; a fine is a punishment, but damages are compensation for injury.

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Decisions of the Missouri Supreme Court and the Missouri Courts of Appeals were up to 1957 published in the official Missouri Reports (full title Reports of Cases Determined by the Supreme Court of the State of Missouri) and Missouri Appeal Reports (full title Reports of Cases Determined by the St. Louis, Kansas City and Springfield Courts of Appeals of the State of Missouri), respectively, as well as in the private publication South Western Reporter. In 1957 the legislature discontinued the two official publications, allowing henceforth an approved privately published series to be designated as the official publication. The South Western Reporter has been so designated. Reference works for court decisions involving Missouri Constitution and laws are Missouri Digest, 1821 to Date (St. Paul: West Publishing Company, 1947-54; kept up to date with supplements) and Shepard's Missouri Citations, 4th edition (Vol. I--New York, The Frank Shepard Co., 1932; Vol. II--Colorado Springs, Shepard's Citations, Inc., 1952; kept up to date with supplements).

Chapter 16

COUNTIES AND SPECIAL DISTRICTS

As was pointed out earlier, the people of each state have complete control over the state's internal affairs. Only when a national interest or the interests of other states or the nationally guaranteed rights of individuals are affected does the federal government have the right to intervene in what would otherwise be a state matter. As long as the problem is one of merely state concern, the people of the state through their own constitution and laws have supreme authority over it.

Much of the power to regulate internal affairs, however, actually is delegated to locally elected governments--the governments of counties, cities, townships, and various kinds of districts. These local units have no inherent or reserved powers of their own, but only such as are granted to them by the state constitution and laws. People sometimes imagine that because local officials are elected therefore the voters completely determine the forms and policies of local government. The actual situation is one where the state sets up both the basic frameworks of government available to the local units and also the conditions governing local choice and implementation; the people in the local units simply fill in the details with appropriate actions and ordinances, being allowed more or less discretion depending on size of population and other factors.

The various local government units in Missouri, as of January 1957, were reported by the federal census bureau to total 5307, giving Missouri a rank of sixth place among the states in number of local governments. These were as follows:

| | |
|---|-------------|
| Counties | 114 |
| Municipalities (including villages). | 803 |
| Townships. | 328 |
| School districts | 3,234 |
| Road districts | 549 |
| County library districts. | 36 |
| Drainage districts | 162 |
| Fire-protection districts | 22 |
| Housing authorities. | 3 |
| Levee districts | 45 |
| Bi-State Development District | 1 |
| Metropolitan St. Louis Sewer District | 1 |
| Water-supply districts | 9 |
| | <hr/> 5,307 |

In addition the census called attention to other "subordinate agencies and areas", of undetermined number, that possess certain governmental characteristics but are not classified as government units. These include land clearance for redevelopment authorities, soil conservation districts, forest cropland districts, common road districts, sewer districts, and many others.

This chapter and the next will discuss counties, townships, and municipalities.

COUNTIES. There are 114 counties in the state, plus the City of St. Louis which under the Constitution does have county status but is without an organized county government. The counties differ a great deal in area and population. Except for St. Louis City, Schuyler County is the smallest (306 square miles), and Texas County the largest (1183). In population, the census of 1960 showed Worth County as the smallest (3936) and St. Louis City the largest (750,026). Second to St. Louis City is St. Louis County, with a population of 703,532.

By terms of the Constitution (Article VI, Section 3) two or more counties may consolidate if a majority vote in each of the affected counties approves. As in practically all other states, no such consolidation has yet taken place, nor is one likely owing to the strength of local sentiment, established business interests at the county seats, and the vested interests of many officeholders.

The Constitution also provides (Article VI, Section 14) that by majority popular vote "any contiguous counties, not exceeding ten, may join in performing any common function or service, including the purchase, construction and maintenance of hospitals, alms houses, road machinery and any other county property, and by separate vote may join in the common employment of any county officer or employee common to each of the counties". There is here much promise of flexibility and increased efficiency for the counties, but to date not much use has been made of the provision. Earliest fruit may come in the St. Louis area, where transit, fire protection, police, and other common problems are continually emphasizing the possibilities latent in formal cooperation between city and county. In 1959 the Connecticut legislature took the courageous step of voting to abolish the county as a governmental unit, but the county in New England has not performed as extensive functions there as it does in the Midwest. Consolidation has long been advocated by persons interested in governmental economy and efficiency, but in Missouri, except for occasional interest in the remote possibility of merging St. Louis City and St. Louis County, there is no realistic prospect whatever of county consolidation under the terms of the Constitution.

FORM OF GOVERNMENT. Counties are classified into four categories, based on the assessed valuation of the property in the county. A change in classification is automatic if for five successive years the assessed valuation of the county is such as to put it in another category, except that approval by popular vote is required (by law of 1959) for a fourth class county to accept third class status. The General Assembly may if it chooses establish different forms of government for the different classes of counties, but it has not yet done so. Up to now the classification has been used principally to determine the salaries of county officials. In Class I there are only two counties--St. Louis and Jackson. There are five counties of the second class--Buchanan, Clay, Greene, Jasper, and Jefferson. Eighty-five counties are in Class III, and 22 in Class IV.

Any county with more than 85,000 population may choose to be governed under a special home-rule charter of its own making. Movements in Jackson and Buchanan Counties each tried to get one in 1949 but were defeated by the voters. St. Louis County adopted one on 28 March 1950, thus becoming the first county in the state (and one of very few in the nation) to have a special home-rule charter. The form of government which it set up has a central legislative body--the county council--and other elective officials analogous to those in other counties. Except for St. Louis County, all the counties of the state have the same basic type of county government outlined below.

The most striking generalization about this prevailing form of government is that it has neither a central legislative body nor a central executive officer. This is due partly to the fact that the General Assembly and the Governor are themselves technically the head legislative and executive organs for the state and its subdivisions. Yet a legitimate complaint may be made against the lack of coordination and centralization in county government as now existing. Within each county there is a collection of separate elective officers performing their various tasks with practically no oversight by any coordinating agency. The nearest to such a central agency, though far from being an effective coordinator, is the county court.

COUNTY COURT. The county court consists of three judges elected by the people--one by the whole county for a four-year term, and the other from districts for two-year terms. They receive salaries in counties of the first and second class, but only a per diem payment in other counties. In spite of its name the county court bears little resemblance to a court--it has some

COUNTY OFFICERS

| Officer | Term of office (years) | Elected in leap years | Elected in by-years |
|-------------------------------|---|--|---------------------|
| Presiding judge, county court | 4 | | x |
| Judges (2), county court | 2 | x | x |
| Probate judge | 4 | | x |
| Magistrate | 4 | | x |
| Clerk, circuit court | 4 | | x |
| Clerk, county court | 4 | | x |
| Recorder of deeds | 4 | | x |
| Prosecuting attorney | 2 | x | x |
| Sheriff | 4 | x | |
| Assessor | 4** | x | |
| Collector of revenue | 4* | | x |
| Treasurer | 4† | | x |
| Coroner | 4 | x | |
| Public administrator | 4 | x | |
| Supt. of public schools | 4 | April, year before leap year. | |
| Surveyor | 4 | x | |
| Highway engineer | In Class I counties, combined with county surveyor. In other counties, appointed by county court for varying terms. | | |
| Health center trustees (5) | 4 | x | x |
| County auditor | 4 | In Class I counties, appointed by county court. In Class II counties, elected in by-years. Not found in Class III and Class IV counties. | |
| County counselor | 4 | Appointed by county court. Found only in Class I counties. | |

* 2 years, in 24 counties having township form of organization.

** Plural 2-year assessors in township counties.

† Elected in leap years in Class I and Class II counties and township counties.

legislative duties, more administrative duties, and practically no duties that can be classed unqualifiedly as judicial. It determines the county tax rate, makes appropriations of county funds, audits the accounts of the recorder and the inquest reports of the coroner, appoints election judges, shares in the task of dividing townships into voting precincts, and has charge of the county property and its upkeep (poor farm, roads, etc.). It also discharges miscellaneous duties not handled by other county agencies--such as paying for the care of an indigent insane person committed to a state mental hospital. Nine counties (Cass, Greene, Jackson, Jasper, Johnson, Marion, Miller, Phelps, St. Louis County), most of them heavily populated, operate expanded county health centers financed and controlled by the county courts; this program, however, as it spreads to other counties, will likely be administered by the new health trustee arrangement described later in this chapter. In 1957 the legislature passed a law permitting county courts to construct nursing homes and then lease them to non-profit organizations (e.g., church groups) for operation.

CIRCUIT CLERK. The clerk of the circuit court keeps all the records of the actions of this court in his county, and tends to a multitude of matters involved in or growing out of these actions, such as condemnation proceedings, execution sales, juries, subpoenas, sentences, tax liens, etc. He also issues permits for carrying concealed weapons, and assists the federal government in the process of naturalizing aliens into United States citizenship.

COUNTY CLERK. The clerk of the county court has rather wide functions. The more important of these are keeping the records of the county court, preparing the county budget (in Class III and Class IV counties only, this function being performed by the county auditor in other counties), keeping track of income and expenditures, administering voter registration and making preparations for elections (except in the congested areas which have boards of election commissioners), declaring the results of county elections, and making up the tax books (information for this is supplied by the assessor; the books are then turned over to the collector who sees that the sums listed therein are collected).

RECORDER OF DEEDS. The county recorder has the extremely important duty of keeping accurate records of real estate sales, mortgages and deeds of trust, articles of incorporation, discharges from the armed forces, city plats, tax liens, and many other items. He also issues marriage licenses.

PROSECUTING ATTORNEY. The prosecuting attorney gives legal advice to county officers when they request it, and prosecutes offenders against the state's criminal laws. He performs these duties for cases in the circuit courts and in the courts of appeals, but not in the Supreme Court. Theoretically there should be greater cooperation between the county prosecutors and the State Attorney General. Actually almost all of the prosecuting attorney's work is carried on quite independently of any centralized supervision or aid from Jefferson City.

SHERIFF. The county's principal peace officer is the sheriff, who arrests persons accused of violating state laws. He also keeps the county jail and carries out the circuit court's orders. These include serving subpoenas, processes, warrants, and summonses, and selling property taken in execution. He supplies the ballot boxes for elections. Though there is some cooperation with city police on certain occasions, the sheriff is not the arresting officer in cases involving violations of city ordinances.

ASSESSOR. The county assessor's duty is to place a valuation on all real and personal (tangible) property in the county, for the purpose of calculating the tax to be paid by the owner. Normally the assessed valuation is expected to be about 30% of the actual market value of the property. He submits these valuations to the county clerk, who then makes up the books and gives them to the collector. Anyone who objects to the valuation placed on his property may appeal the assessment to the county "board of equalization", explained below.

COLLECTOR OF REVENUE. The collector receives payment of the various property taxes in the county, as they are listed in the tax books prepared by the county clerk. He also takes the necessary steps to collect delinquent taxes. All tax collections are turned over to the county treasurer.

TREASURER. The treasurer has custody of all county funds, and pays them out only on authorization by the county court. He is ex officio the treasurer of the county hospital board of trustees in the counties having such a hospital, as well as of any levee or drainage districts in the county.

CORONER. The coroner may or may not be a physician. If he is not, he is permitted to employ the services of a doctor when necessary for the discharge of his official duties. The coroner investigates any suspicious death in the county. If he thinks there has been foul play he will hold an "inquest", which is a sort of trial, assisted by a coroner's jury of six persons, to determine the cause of the death. If the jury is of the opinion that a crime has been committed, it may take steps leading to the arrest and indictment of suspected individuals. He also buries unclaimed bodies and delivers unclaimed property to the county treasurer. When the coroner is temporarily absent from the county his duties are performed by the sheriff.

PUBLIC ADMINISTRATOR. The public administrator acts as manager for such private property as has no suitable person to care for it. For instance, property owned by orphan children without relatives or guardians, or the property of a person who dies without making a will and who has no kin to claim the property, will be looked after by the public administrator until legal disposition can be made of it. Law requires every county to elect a public administrator, but in only 81 counties, including the City of St. Louis, did candidates offer themselves in the 1958 elections.

SUPERINTENDENT OF PUBLIC SCHOOLS. All public schools in the county which do not have a full-time superintendent of their own are supervised by the county superintendent of schools, who in turn is advised by a six-member county board of education elected by the combined memberships of the boards of education and boards of directors of the various school districts in the county. The superintendent is elected on the first Tuesday in April in the year before leap year, for a four-year term, and takes office in July.

COUNTY SURVEYOR. All official surveys of lands in the county are made by the county surveyor. This is an important service whenever a question arises regarding the location of buildings on city lots, or the laying out of new subdivisions. He also makes surveys for individuals, for which he may charge fees.

HIGHWAY ENGINEER. The highway engineer advises the county court, and carries out its decisions, on matters pertaining to the construction and upkeep of roads and bridges in the county. The offices of surveyor and engineer are combined in Class I counties and filled by election. In the other three classes of counties the engineer, if needed, is appointed by the county court. In twenty or more counties he will be found to be a different person from the surveyor.

COUNTY AUDITOR. The county auditor is appointed by the county court in Class I counties and elected by the people in Class II counties. The office is not found in other counties. This official sets up systems of accounting, inventory, and audit for the county, approves all payments from county funds before they can be consummated, and prepares the county budget.

COUNTY COUNSELOR. Only Class I counties have a county counselor, who acts as legal advisor to the county court, draws all contracts relating to the business of the county, and prosecutes or defends all civil suits or actions involving the county or its officers.

BOARD OF EQUALIZATION. Every county has a board of equalization to hear appeals

made by persons who are dissatisfied with valuations placed on their property by the assessor. The board usually consists of the judges of the county court, the assessor, the surveyor, and the county clerk, the last named official being without vote.

HEALTH TRUSTEES. Recognizing that a variety of public health problems prevail in any community, various counties in recent years have begun the practice of hiring certain personnel--health officer, health nurse, and sanitary engineer--for full-time or part-time service in this field, the venture being paid for and directed by the county court. There are nine such counties, as was noted above. To regularize and encourage these programs the General Assembly in 1951 passed a law permitting any county to finance such a health center by a special tax and to put it under the control of a board of five trustees elected for four-year overlapping terms. By mid-1960 the following 27 counties had inaugurated the new system:

| | | | | | |
|-----------|-----------|-------------|----------|----------|------------|
| Barry | Dallas | Lewis | Newton | Ralls | Washington |
| Bollinger | Dunklin | Macon | Pemiscot | Reynolds | Wayne |
| Butler | Iron | Madison | Platte | Ripley | Webster |
| Carter | Jefferson | Mississippi | Pulaski | Scott | Wright |
| Clay | Laclede | New Madrid | | | |

OFFICIALS NOTED ELSEWHERE. Frequently the probate judge, magistrate, and state Representative are considered to be county officials. The first two undoubtedly deserve such classification, even having their offices in the court house; but since their functioning is an integral part of the state's judicial system they are perhaps more naturally treated in that connection (chapter 15). A representative in the General Assembly, although elected in a county constituency, is of course a state-level and not a county-level official, just as a United States Representative in Congress is an official of the national government.

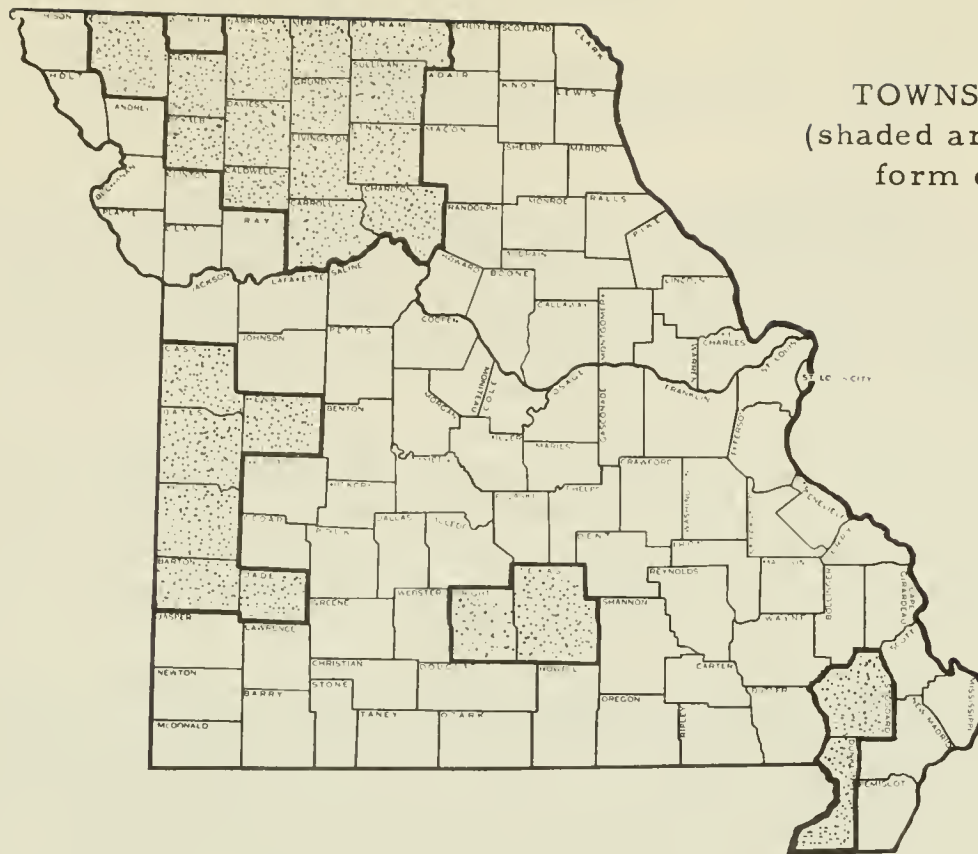
TOWNSHIP ORGANIZATION. Under the Constitution of 1875 the counties of the state were given the option of adopting what is known as the township form of government. Twenty-four counties, mostly in the northwest and west portions of the state, now have this decentralized form of organization. The number of townships in each county varies from 7 in Stoddard to 24 in Bates; all in all there are a total of 344 townships in the 24 counties.

Township officers consist of: (1) a 3-member policy board made up of two board members and a trustee, the latter also serving ex officio as township treasurer; (2) a clerk-assessor; (3) a collector. Their functions are principally the following: (1) road construction and maintenance; (2) property assessment; (3) property tax collection; (4) township elections.

Township organization has been severely criticized from the standpoint of efficiency and economy, but it will be difficult to abolish because of the many office-holders involved. The late Senator Frank M. Frisby of Bethany made repeated attempts to get the legislature to do away with the system but without success. In 1951 he estimated that the taxpayers in Harrison County could save \$15,000 annually by returning to the straight county form. In 1960 a study by the Missouri Public Expenditure Survey estimated that Vernon County would save \$29,130 annually if it abandoned township government.

In those counties of the state not having township government, the township remains as a geographical unit for election purposes and for the selection of jurors.

CONCLUSION. A tabular summary of county officers and their terms is included in this chapter. Vacancies which occur before terms expire are filled by appointment by the Governor. As was said, the most striking feature of the government of the average Missouri county is its lack of centralization. Each official performs his separate duties with little or no oversight by a central supervisory agency. On the state level there is the General Assembly and the Governor. On the city level there is usually the council and the mayor. But the Missouri county has neither a central executive nor an effective central legislative body.



TOWNSHIP COUNTIES
(shaded areas have township
form of government)

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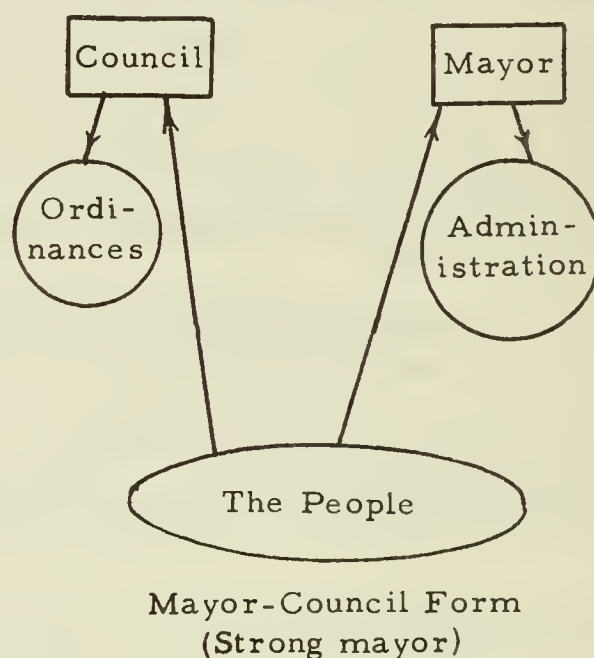
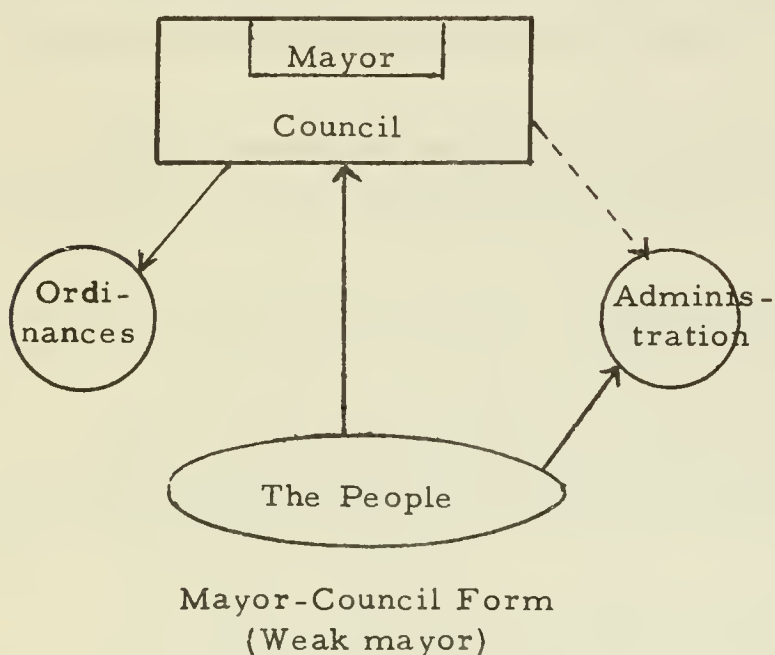
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Chapter 17

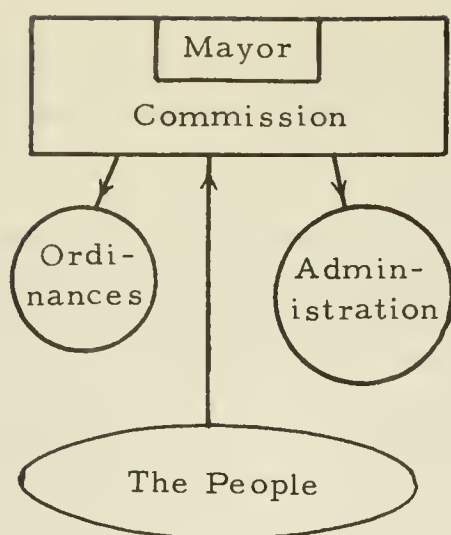
MUNICIPALITIES

TYPES OF CITY GOVERNMENT. There are three main patterns of city government in use in the United States today--the mayor-council form, the commission form, and the council-manager form. All three types, with variations, are to be found in Missouri. The basic power relations of each are indicated in the accompanying diagrams. Note especially the manner in which the administration is controlled in each.

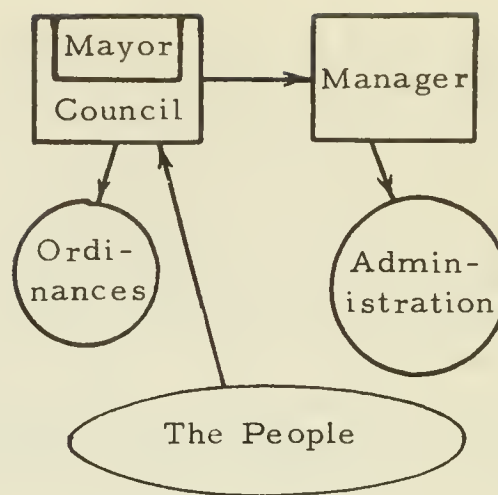
The mayor-council form--the one most in use in Missouri as well as in the rest of the nation--consists of a city council (or board of aldermen) of four or more members elected by the people, a mayor also elected by the people or by the council from among its own number, and several administrative officials who are either appointed by the mayor or elected by the people. The council's duties are restricted to making the "ordinances" (local laws) for the city, a task which may require only one or two evenings a month. Councilmen usually are elected from subdivisions of the city called wards, and receive little if any pay. The mayor, elected from the whole city or by the council, acts as the chief executive responsible for carrying out the ordinances. Although in theory he is the head of the executive force, in every city a number of administrative officers are elected independently by the people. If the mayor's powers are limited largely to presiding over council meetings and serving as ceremonial head of the city, such government is known as the "weak mayor form." If he has broad powers of appointment and administration so as to constitute an effective director and coordinator of the city's public affairs, the system is the "strong mayor form." The weak mayor form is characteristic of most small cities. Mayor-council government is found in all Missouri cities and towns except twenty-five that have city managers and eight that have the commission form.



In the commission form of government the legislative and executive functions are both performed by one body--the board of commissioners (also called city council in some places). Elected at large by the people, this board passes the ordinances which govern city affairs. Each commissioner then acts as a department head and carries out, or oversees an appointive official who will carry out, one particular group of ordinances, such as those relating to parks,



Commission Form



Council-Manager Form

or streets, or public utilities. In other words, there is no separation of powers, but instead a collecting of the policy-making and policy-execution functions of government under one board. In some cities the commissioners choose one of their number to be chairman or mayor--a position carrying little additional authority beyond the power to preside at meetings of the commission. Other administrative officials are appointed either by the board or by individual administrators. In Missouri the commission form is available to cities of Classes I, II, and III. Eight cities had it in 1961: Aurora, Cape Girardeau, Kirksville, Kirkwood, Maplewood, Monett, Richmond Heights, and West Plains. The number will more likely decrease than increase, as elsewhere in the country, due to the rising popularity of the more efficient manager form.

The council-manager form of government is a relatively recent development. Under this type of organization the city ordinances are still passed by a council elected much the same as in the mayor-council form described above. There is also a mayor, who presides at council meetings but has little actual power over administration. The distinguishing feature is the chief executive officer called the city manager, a rather highly-paid nonpartisan official hired by the council because of his abilities as an expert administrator. It is he who is generally responsible for all the city administration, and who appoints (often through a merit system) most of the administrative staff. Rapidly increasing in popularity over the country, this type of government may soon become the prevailing form for American cities, especially those of over 10,000 population. About 1750 cities now operate under it, with 75 or more new ones being added each year. In mid-1961 twenty-four Missouri cities were using council-manager government. Brookfield, Lebanon, Hannibal, and Marshall adopted the form in 1945, 1946, 1947, and 1948, respectively, but discarded it subsequently. The present list of cities, with date of adoption and 1960 population, is as follows:

| | | |
|----------------------|------|---------|
| Excelsior Springs... | 1922 | 6,473 |
| Kansas City... | 1926 | 475,539 |
| Moberly... | 1944 | 13,170 |
| Neosho... | 1944 | 7,452 |
| Nevada... | 1946 | 8,416 |
| Charleston... | 1947 | 5,911 |
| University City... | 1947 | 51,249 |
| DeSoto... | 1948 | 5,804 |
| Slater... | 1948 | 2,767 |
| Cameron... | 1949 | 3,674 |
| Columbia... | 1949 | 36,650 |
| Mexico... | 1949 | 12,889 |

| | | |
|-------------------|------|--------|
| Springfield... | 1953 | 95,865 |
| Marceline... | 1953 | 2,872 |
| Maryville... | 1953 | 7,807 |
| Ferguson... | 1954 | 22,149 |
| Joplin... | 1954 | 38,958 |
| Webster Groves... | 1954 | 28,990 |
| Olivette... | 1957 | 8,257 |
| Berkeley... | 1957 | 18,676 |
| Clayton... | 1957 | 15,245 |
| Warrensburg... | 1957 | 9,689 |
| Flat River... | 1959 | 4,515 |
| Sikeston... | 1959 | 13,765 |

CLASSIFICATION OF MISSOURI TOWNS. It would be difficult to make an accurate listing of all the towns and villages in Missouri. The Official Manual of the State of Missouri contains a list of about 750 mayors. The United States census bureau in 1957 reported 803 municipalities. There are two sizeable unincorporated places, Herculaneum and Leadwood.

The Missouri Constitution and laws determine the legal existence of these subdivisions of the state, and say how they shall be governed. Some are allowed to have "home rule" charters, which means that the city itself may set up the form and the details of its own government, within certain limits. Others continue to operate under special charters granted long ago by the legislature, a possibility no longer open to cities not already having such. Still others have their governmental form and powers determined according to a classification system based on population. Finally, there are "villages", with a still different form of government. It should be kept in mind that every one of these local units--a large city, a small city, or a village--has the sort of government it has because the Constitution or the legislature permits it to have it. Cities have no inherent power of their own, but derive it all originally and finally from the state.

The table below shows the several categories established by law. The overlapping of some of the classes is due to the fact that the classification laws were passed at different times and are not entirely consistent. Some cities will be found listed in categories which do not fit their population; this situation results from the fact that a city, when it gains or loses enough population to make it eligible for another category, does not automatically go into the new category but may make the change only if such is deliberately decided upon by an election of the people. Springfield is an interesting case in point. Disappointed when the 1950 census revealed that this city did not have sufficient population to qualify for Class I, forces sympathetic to Springfield got the legislature to change the lower limit of population for this category from 75,000 to 65,000. This having been accomplished, Springfield proceeded to vote on the question of accepting the newly available Class I status, and defeated the proposition. It has since become a constitutional charter city.

GOVERNMENT FORMS FOR MISSOURI CITIES

| Class of city | Population range | Form of government permitted |
|---------------------------|------------------|--|
| I | 65,000 and over | Mayor-council Commission |
| II | 27,501 - 99,999 | Commission Council-manager |
| III | 3,000 - 29,999 | Mayor-council Commission Council-manager |
| IV | 200 - 2,999 | Mayor-council |
| Constitutional charter | Over 10,000 | To be decided by the people. |

CONSTITUTIONAL HOME-RULE CHARTER CITIES. Missouri, by the Constitution of 1875, was the first state to allow constitutional home-rule to cities. The present Constitution provides that any city with more than 10,000 population may frame and adopt its own charter of government. Such charter, of course, must not contain anything which would violate any provision of the state or federal Constitution and laws. So far eleven cities have home rule--St. Louis, Kansas City, University City, Columbia, Springfield, Ferguson, Joplin, Webster Groves, Berkeley, Clayton, and Hannibal. The following cities, on the basis of the 1960 census, are also eligible for home-rule charters:

| | | | | |
|----------------|--------------|------------------|------------|-----------|
| St. Joseph | Sedalia | Richmond Heights | Moberly | St. Ann |
| Independence | Overland | Gladstone | Kirksville | Carthage |
| Florissant | St. Charles | Sikeston | Mexico | Rolla |
| Kirkwood | Jennings | Bellefontaine | Maplewood | Fulton |
| Jefferson City | Raytown | Neighbors | Brentwood | Crestwood |
| Cape Girardeau | Poplar Bluff | | | |

Until such time as they decide to adopt home-rule charters, the cities listed above will continue to operate under the particular forms of government available to them as Class I, Class II, Class IV, or special legislative charter cities. In recent years Kirkwood, Overland, and Kirksville voted to draft home-rule charters, but the charters were subsequently defeated by popular election.

The City of St. Louis, following out its home-rule charter privilege, uses a modified mayor-council form of government. Hannibal voted to return to the mayor-council form in 1953. The other nine home-rule charter cities have city managers.

St. Louis has special problems resulting not only from its size but also from the fact that it is both a city and a county under the terms of the state Constitution. It adopted its home-rule charter in 1914; this, amended from time to time, provides for what is basically the mayor-council form of government, with various complications reflecting the demands of the city's peculiar status. The people elect a mayor and a board of 28 aldermen, all for four-year terms. The board of aldermen makes the city's ordinances. The mayor is the titular chief executive, but appoints a five-member board of public service to tend to the actual carrying out of ordinances relating to streets and sewers, public utilities, public welfare, and public safety. He appoints also city court judges and clerks, marshall, counselor, and assessor. There is a city plan commission, made up of some of the regular city officials, charged with the duty of continuously planning for the improvement of the city and its government, especially with respect to streets and zoning. A board of estimate and apportionment helps prepare the budget prior to its adoption by the board of aldermen. A new streamlined charter, strengthening the office of mayor and providing other reforms, was proposed by a board of freeholders in 1957, but was turned down by the voters on August 6 of that year.

To take care of the county functions of the City of St. Louis other officials are elected, including sheriff, prosecuting attorney, recorder, circuit attorney, collector, probate judge, and others. These "county" offices, not administered by the city administration and hence not subject to the city's merit system, have long been looked upon as patronage areas. The board of freeholders in drafting the proposed new charter attempted to coordinate these offices with the city administration, but were told by the Supreme Court in December 1956 that such would be a violation of the Missouri Constitution. A final group of officers discharging two vital public responsibilities in the city are the boards of election commissioners and police commissioners, appointed by the Governor of the state.

Added to the troubles of St. Louis are its relations with St. Louis County, which borders the city on the north, west, and south. Problems of sewage disposal, traffic control, transit,

police, fire protection, water, and other matters of common concern have been growing more acute with the increase in population and the incorporation of new municipalities in the county (there were about 100 such in mid-1957). Organic merger of St. Louis City and St. Louis County would be possible under the Constitution of Missouri (Article VI, Section 30), but would encounter formidable difficulties of both a legal and practical nature. A more hopeful solution of many of the area's ills may lie along lines marked out by the creation of the Metropolitan St. Louis Sewer District, which took over control of city and county sewers on 1 January 1956.

Kansas City, second largest city in the state, has had three home-rule charters, adopted in 1889, 1908, and 1925 respectively. The last one set up the council-manager form of government under which the city now operates. The people elect a council of nine members for a two-year term; one of the nine is mayor. The council hires the city manager, who in turn is responsible for appointing and supervising the personnel of almost all the other administrative offices--fire, water, public works, health, welfare, finance, liquor control, and others. The council also chooses a city clerk, city auditor, and street railways commissioner. The mayor appoints the city plan commission, the board of park commissioners, the board of zoning adjustments, and the personnel board. Three municipal judges are elected by the people for two-year terms. As in the case of St. Louis, Kansas City has a board of police commissioners and a board of election commissioners, both appointed by the Governor.

The government of Kansas City has perhaps been more fortunate than that of St. Louis in not having to cope with the problem of a continuous string of incorporated municipalities on its periphery. Kansas City has had room to expand, and has shown remarkable competence in handling its "growing pains."

The council-manager systems in the other home-rule charter cities, while basically similar to that in Kansas City, are tailored to meet local requirements and need not be described here.

SPECIAL LEGISLATIVE CHARTER CITIES. Twelve Missouri cities (see table) continue to operate under charters granted by the state legislature prior to the Constitution of 1875. Such charters are no longer issuable to cities, as the new Constitution expressly forbids special legislation for a single city. When and if the cities now having special charters decide to give them up, they will then be subject to the regular provisions governing the four classes and home-rule charters. Two of the twelve--La Grange and Palmyra--have retained their special charters for some purposes, yet also have adopted forms of government permitted under the classification system to be described next. All the special charter cities have some form of mayor-council government.

THE POPULATION CATEGORIES. As was noted earlier, the cities of Missouri are classified according to population, with different governmental arrangements available for each class. With every new census some cities may find that their population entitles them to a position in a different class; the change-over takes place, however, only if the city by a majority vote decides to accept the new status.

Cities of the First Class are those with 65,000 population or more. Since St. Louis and Kansas City have home-rule charters, and since Springfield refused to accept this status to which it was entitled, St. Joseph at the present time is the only city falling under the governmental provisions for Class I cities. These provisions allow either the mayor-council or the commission type. In St. Joseph, which has the strong mayor form, five councilmen are elected by the people for four-year overlapping terms. The mayor is also elected for a term of four years, together with a few other officials--auditor, treasurer, city clerk, and police judge. The mayor appoints most of the administrative officials--assessor, comptroller, counselor, license inspector, and the heads of the various departments (fire, public works, health, library, and parks and boulevards). As in the case of St. Louis and Kansas City, the police department is headed by a board of police commissioners appointed by the Governor.

**FORMS OF GOVERNMENT IN MISSOURI CITIES
FOR CHARTER CITIES
AND CLASS I, II, AND III CITIES (ABOVE 2700 POPULATION)**

MC = mayor-council

CM = council-manager

C = commission

| City | Population 1960 | Form of government MC CM C | City | Population 1960 | Form of government MC CM C |
|-----------------------------------|--------------------|----------------------------------|--------------------------|--------------------|----------------------------------|
| CONSTITUTIONAL CHARTER | | | CLASS III (CONTINUED) | | |
| St. Louis | 750,026 | MC | Jennings | 19,965 | MC |
| Kansas City | 475,539 | CM | Poplar Bluff | 15,926 | MC |
| University City | 51,249 | CM | Richmond Heights | 15,622 | C |
| Columbia | 36,650 | CM | Gladstone | 14,502 | MC |
| Springfield | 95,865 | CM | Sikeston | 13,765 | CM |
| Ferguson | 22,149 | CM | Moberly | 13,170 | CM |
| Joplin | 38,958 | CM | Kirksville | 13,123 | C |
| Webster Groves | 28,990 | CM | Mexico | 12,889 | CM |
| Berkeley | 18,676 | CM | Maplewood | 12,552 | C |
| Clayton | 15,245 | CM | Carthage | 11,264 | MC |
| Hannibal | 20,028 | MC | Rolla | 11,132 | MC |
| | | | Fulton | 11,131 | MC |
| | | | Warrensburg | 9,689 | CM |
| | | | Marshall | 9,572 | MC |
| | | | Kennett | 9,098 | MC |
| | | | Caruthersville | 8,643 | MC |
| | | | Nevada | 8,416 | CM |
| | | | Olivette | 8,257 | CM |
| | | | Lebanon | 8,220 | MC |
| | | | Wellston | 7,979 | MC |
| | | | Washington | 7,961 | MC |
| | | | Maryville | 7,807 | CM |
| | | | Neosho | 7,452 | CM |
| | | | Boonville | 7,090 | MC |
| | | | Festus | 7,021 | MC |
| | | | Clinton | 6,925 | MC |
| | | | Webb City | 6,740 | MC |
| | | | Excelsior Springs | 6,473 | CM |
| | | | Trenton | 6,262 | MC |
| | | | Charleston | 5,911 | CM |
| | | | West Plains | 5,836 | C |
| | | | DeSoto | 5,804 | CM |
| | | | Brookfield | 5,694 | MC |
| | | | North Kansas City | 5,657 | MC |
| | | | Monett | 5,359 | C |
| | | | Lexington | 4,845 | MC |
| | | | Aurora | 4,683 | C |
| | | | Richmond | 4,604 | MC |
| | | | Macon | 4,547 | MC |
| | | | Flat River | 4,515 | CM |
| | | | Louisiana | 4,286 | MC |
| | | | Butler | 3,791 | MC |
| | | | Crystal City | 3,678 | MC |
| | | | Cameron | 3,674 | CM |
| | | | Hanley Hills | 3,308 | MC |
| | | | Bonne Terre | 3,219 | MC |
| | | | Marceline | 2,872 | CM |
| | | | Chaffee | 2,862 | MC |
| | | | Slater | 2,767 | CM |
| SPECIAL LEGISLATIVE CHARTER | | | | | |
| Florissant | 38,166 | MC | | | |
| Chillicothe | 9,236 | MC | | | |
| Liberty | 8,909 | MC | | | |
| Bridgeton | 7,802 | MC | | | |
| Carrollton | 4,554 | MC | | | |
| Palmyra | 2,933 | MC | | | |
| Pleasant Hill | 2,689 | MC | | | |
| Canton | 2,562 | MC | | | |
| La Grange | 1,347 | MC | | | |
| Missouri City | 404 | MC | | | |
| Kingston | 311 | MC | | | |
| Miami | 156 | MC | | | |
| CLASS I | | | | | |
| St. Joseph | 79,673 | MC | | | |
| CLASS II | | | | | |
| [none] | | | | | |
| CLASS III | | | | | |
| Independence | 62,328 | MC | | | |
| Kirkwood | 29,421 | C | | | |
| Jefferson City | 28,228 | MC | | | |
| Cape Girardeau | 24,974 | C | | | |
| Sedalia | 23,874 | MC | | | |
| St. Charles | 21,189 | MC | | | |

Cities of the Second Class are defined by law as being those with population from 27,501 to 99,999. Although there are ten cities eligible for this category, none at the present time operates under its terms. For a long time Springfield and Joplin were thus classified, but these adopted home-rule charters in 1953 and 1954, respectively. Cities of Class II are permitted to choose either the commission form or the manager form of government.

Cities of the Third Class, with population from 3000 to 29,999, are eligible to choose from among three plans of government--mayor-council, council-manager, and commission. Most of Missouri's Class III cities use the first of these, which requires a council elected for two years (two councilmen from each ward, and not more than four wards), a mayor elected for four years, and assessor, collector, treasurer, police judge, marshal, and attorney elected for two years each. The council-manager form is found in fifteen Class III cities. Eight cities in this category have the commission type.

Class IV cities, with population from 200 to 2999, constitute more than half of all the cities in Missouri. The mayor-council form of government is prescribed for this group. Officials are elected for two-year terms; other features of the government are similar to the mayor-council type found in Class III cities.

VILLAGES. Many villages have a population that would qualify them for Class IV or Class III status, but for various reasons have not chosen to adopt it. The governing body in an incorporated village is an elected board of trustees, five in number if the village has less than 2500 people, and nine if there are more than 2500. This board makes all major decisions necessary for governing the village, including the appointment of such officers as assessor, collector, and constable. The term of office is two years.

CONCLUSION. From the descriptions here given it should be apparent that Missouri offers a liberal variety of governmental structures to meet the needs of its varied towns and cities. The entire body of laws on the subject, however, badly needs revision in the interests of logic, clarity, and consistency. Enactment by the legislature of a thorough-going and systematic municipal code would seem to be the desirable solution.

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Chapter 18

FEDERAL RELATIONS

The study of any state's government would be incomplete without some attention to the position and role of that state in the Federal Union. In chapter 6 it was noted that a very definite division of power exists between the two levels, national and state--that the state has its own proper set of functions apart from those of the other states and those of the national government. To supplement this introspective view there is needed some summary classification and description of the numerous instances in which Missouri has dealings outside its own boundaries--dealings with other states and with the national government. Such is the object of the present chapter.

MISSOURI AND OTHER STATES. According to Article IV, Section 1, of the federal Constitution, "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." The original intent of this clause was doubtless to make it impossible for a person to avoid a debt, court judgment, or other legally accomplished situation by the simple expedient of moving to another state. Thus a person who is married or divorced in one state should be considered so in another, and a person owing a debt and leaving the state should be forced to pay the debt in the state in which he takes up residence. Congress has failed thus far to pass enabling legislation adequate to insure the smooth working of the full-faith-and-credit principle. Persons desiring to evade their obligations are often able to delay or to thwart completely the operation of the clause by questioning either the jurisdiction of the court or some phase of the proceedings. Loopholes in abundance exist. The operation of the principle is particularly unsatisfactory in the fields of marriage and divorce.

A second clause, somewhat more effective in helping produce uniformity in interstate relations, is in Section 2 of the same Article. Sometimes called the "comity clause", it reads: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States". These privileges and immunities of state citizenship, somewhat comparable to the privileges and immunities of federal citizenship referred to in the 14th Amendment, include the right to pass through a state, to take up residence in it, to use the courts and the schools, and to acquire and sell property. The privileges do not extend to voting, office-holding, and other special privileges which reasonably may be reserved for taxpayers or for those who have acquired state citizenship through a stated term of residence. Attendance at institutions of higher education by persons from outside the state is considered one of these special privileges; many states handle it on a reciprocity basis.

Extradition is a third field in which the states cooperate to their mutual advantage. The Constitution in Article IV, Section 2, Paragraph 2, provides that "A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime". Customary procedure is for the Governor of the first state to send a "requisition" to the Governor of the other asking that the fugitive be apprehended and handed over. The Governor receiving the request responds by issuing a "rendition warrant" which, addressed to the police officers of the state, directs that the fugitive be arrested and held until the agents of the demanding state can come and get him. During a typical year extraditions of non-Missourians back to their home states will total in excess of 100, and those of Missourians back to this state a comparable number.

State executives customarily honor almost all extradition requests. Those not complied

with are cases where the alleged offense is not an offense in the asylum state, or where substantial justice might not be done by extraditing the offender. About half a dozen requisitions annually are refused by Missouri, and a similar number of our own are refused by other states. Quite frequently a fugitive will test the validity of extradition proceedings by means of a writ of habeas corpus in the circuit court of the county where he is being held, which occasionally results in his release. Some circuit courts are found to be more liberal than others in ordering such releases.

When a fleeing suspect, closely pursued by the police of another state, enters Missouri he does not suddenly become subject to the extradition procedure. A "fresh pursuit" law, passed in 1951, permits officials from the other state to pursue and apprehend the fugitive inside Missouri if such is done "without unreasonable delay", and provided such state accords the same privilege to Missouri officers.

The interstate compact constitutes a fourth device for cooperation between the states, particularly in large matters of common concern requiring long-term cooperation in both policy formation and administration. The federal Constitution in Article I, Section 10, impliedly makes this resource available by stating that "No State shall, without the Consent of Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power". Missouri has entered a number of such compacts approved by Congress, among them the Kansas City Waterworks Agreement (1922), the Interstate Crime Compact (1934), the Missouri-Iowa Boundary Compact (1939), the Interstate Compact for the Supervision of Parolees and Probationers (1946), the Missouri-Kansas Boundary Compact (1949), the Tennessee-Missouri Bridge Compact (1949), the Bi-State Development Compact (1949; see page 97), and the Interstate Compact on Juveniles (1956). Full exploitation of the compact device remains for the future, although it has enjoyed a marked increase in popularity in the past three decades.

Extensive interstate cooperative activities are sponsored by a semi-official agency known as the Council of State Governments. Most of its endeavors find fruit in the exchange of ideas and information on common state problems. From modest beginnings in 1925 it has enormously expanded its usefulness. It serves as the secretariat for the following interstate cooperative groups: The American Legislators' Association; the Governors' Conference; the Conference of Chief Justices; the National Association of Attorneys General; the National Association of Secretaries of State; the National Association of State Budget Officers; the Legislative Service Conference; the National Association of State Purchasing Officials; and An Association of Administrators of the Interstate Compact for the Supervision of Parolees and Probationers. The Council also works closely with the National Conference of Commissioners on Uniform State Laws, and has contacts with other cooperative agencies too numerous to mention here. It is continuously engaged in research projects, maintains an information service for the states, and publishes a monthly magazine State Government and a biennial reference volume entitled The Book of the States. Every state supports the program by naming a Commission or Committee on Interstate Cooperation; it is these groups which together make up the Council of State Governments. Missouri's Commission, which is typical, consists of ten members of the state legislature and five administrative officials.

OBLIGATIONS OF MISSOURI TO THE NATION. In common with all the states and growing out of the federal nature of the Union, Missouri has certain obligations toward the nation and the nation's government.

To aid in national defense the states provide and maintain, with federal aid, the state militias. These, each under the control of the Governor through the adjutant general, are subject to call by the President as need arises (chap. 14).

When Congress proposes amendments to the federal Constitution it is the states which act as the ratifying agents, expressing their will either through their state legislatures or

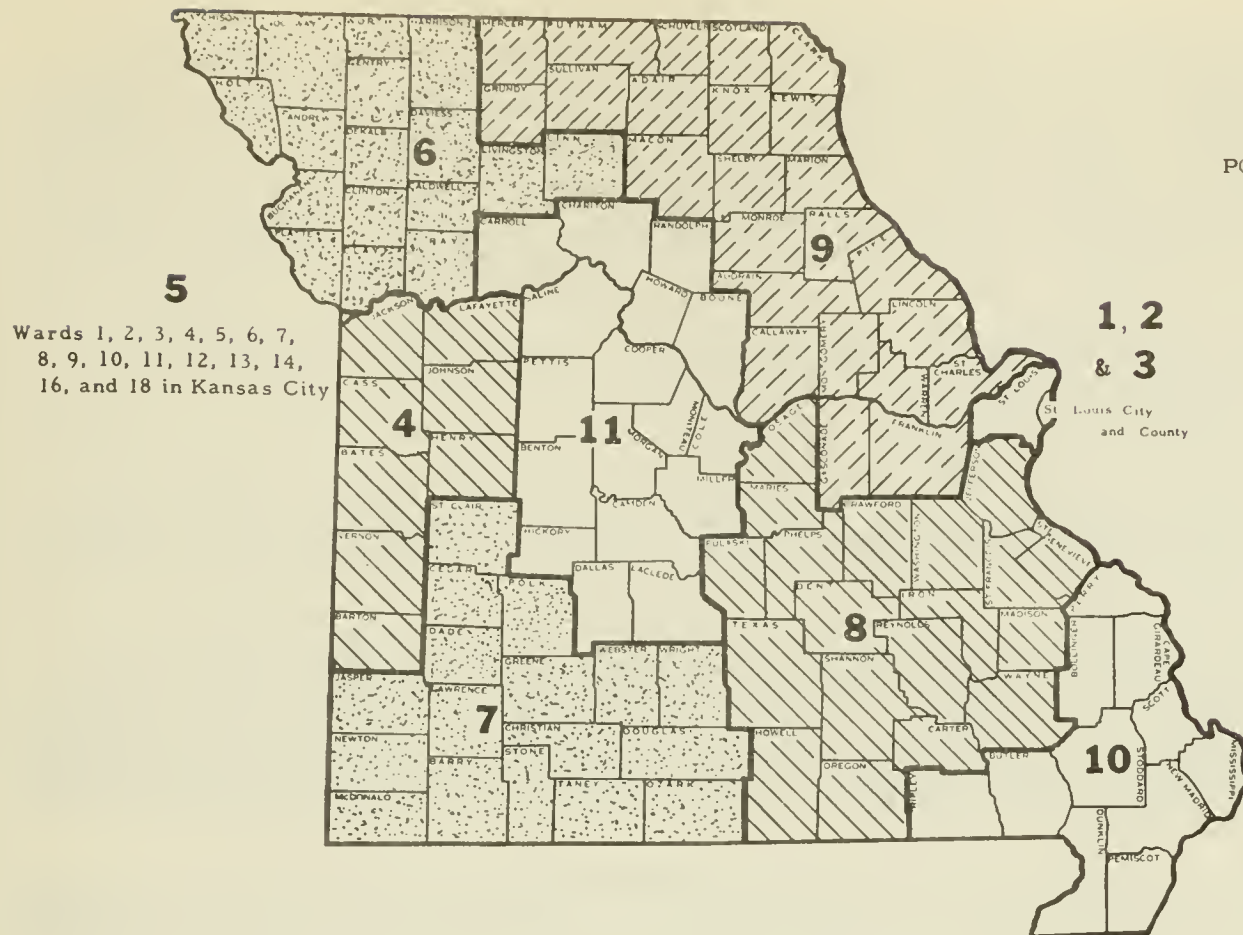
through specially elected conventions, whichever method is stipulated by Congress. Missouri has ratified all amendments (13th-23rd inclusive) that have been added to the Constitution since the state entered the Union in 1821. On only one of these--the 18th Amendment prohibiting intoxicating beverages--did Missouri's ratification occur after the requisite number of states had ratified, and on this occasion Missouri was late by only one day. Missouri took no action on the unsuccessful pro-slavery amendment proposal of 1861, and it rejected the child labor proposal of 1924 on 20 March 1925.

MISSOURI RATIFICATIONS OF AMENDMENTS TO THE FEDERAL CONSTITUTION

| Constitutional Amendment | Date of proposal by Congress | Rendered effective | Date of ratification by Missouri |
|-----------------------------------|------------------------------|--------------------|----------------------------------|
| XIII. Abolition of slavery | 31 January 1865 | 6 December 1865 | 10 February 1865 |
| XIV. Citizenship, etc. | 13 June 1866 | 9 July 1868 | 8 January 1867 |
| XV. Negro suffrage | 26 February 1869 | 3 February 1870 | 10 January 1870 |
| XVI. Income tax | 12 July 1909 | 3 February 1913 | 20 March 1911 |
| XVII. Direct election of senators | 13 May 1912 | 8 April 1913 | 10 March 1913 |
| XVIII. Prohibition | 18 December 1917 | 16 January 1919 | 17 January 1919 |
| XIX. Woman suffrage | 4 June 1919 | 18 August 1920 | 3 July 1919 |
| XX. Lame duck | 2 March 1932 | 23 January 1933 | 23 January 1933 |
| XXI. Repeal of 18th | 20 February 1933 | 5 December 1933 | 29 August 1933 |
| XXII. Two-term presidency | 21 March 1947 | 28 February 1951 | 14 July 1947 |
| XXIII. D. C. vote | 6 January 1960 | 16 June 1960 | 10 March 1961 |

Further, it is the states which severally make up the national voting public, provide and administer all election machinery, and choose Senators and Representatives for Congress and electors for the Electoral College. As was noted in chapter 4, each state is free to set up its own qualifications for voting within certain bounds established by the federal Constitution. The qualifications do not differ radically from state to state, although unofficial discriminations of one sort or another may be found in particular localities. Lack of uniformity is probably more in evidence in the forms and procedures used in the conduct of elections--such as types of ballots, and their manner of marking, recording, and counting.

MISSOURI CONGRESSIONAL VOTE UNDER DISTRICTING OF 1952



CONGRESSIONAL
DISTRICTS
POPULATION BY DISTRICTS:
Dist. No. 1 421,048 Est.
2 - 421,048 Est.
3 - 421,049 Est.
4 - 325,276
5 - 354,012
6 - 336,214
7 - 402,442
8 - 276,499
9 - 353,791
10 - 332,680
11 - 310,594

| District | 1952 Democratic Republican | | 1954 Democratic Republican | | 1956 Democratic Republican | | 1958 Democratic Republican | | 1960 Democratic Republican | |
|---|-------------------------------|----------|-------------------------------|---------|-------------------------------|------------|-------------------------------|---------|-------------------------------|------------|
| 1 | 126,583* | 70,479 | 89,649* | 45,653 | 136,873* | 69,661 | 99,368* | 31,804 | 161,394* | 66,640 |
| 2 | 95,208 | 125,625* | 69,450 | 83,861* | 114,837 | 123,596* | 81,811 | 88,321* | 114,803 | 150,327* |
| 3 | 107,428* | 58,413 | 67,715* | 27,598 | 96,416* | 42,023 | 63,679* | 16,753 | 87,637* | 31,902 |
| 4 | 84,899 | 96,988* | 62,012* | 58,152 | 98,106* | 91,392 | 72,792* | 40,912 | 111,557* | 95,070 |
| 5 | 90,357* | 70,898 | 50,874* | 35,477 | 77,287* | 57,778 | 53,622* | 22,953 | 74,834* | 47,810 |
| 6 | 81,237 | 89,428* | 60,380* | 52,203 | 85,021* | 78,637 | 64,277* | 34,758 | 93,285* | 77,638 |
| 7 | 71,936 | 115,842* | 58,729 | 67,918* | 90,986* | 89,926 | 76,239* | 65,666 | 88,162 | 107,208* |
| 8 | 69,068* | 61,621 | 52,658* | 39,326 | 69,336* | 58,425 | 58,628* | 32,543 | 79,020* | 57,234 |
| 9 | 98,965* | 81,806 | 65,862* | 45,765 | 100,065* | no contest | 67,555* | 36,758 | 107,384* | 72,098 |
| 10 | 71,156* | 46,033 | 34,009* | 19,179 | 69,536* | no contest | 44,892* | 18,633 | 66,997* | no contest |
| 11 | 74,362* | 73,104 | 54,384* | 43,959 | 72,594* | 70,286 | 54,014* | 40,839 | 74,866* | 74,505 |
| Total | 971,199 | 890,237 | 665,722 | 519,091 | 1,011,057 | 681,724 | 736,877 | 429,940 | 1,059,939 | 780,432 |
| Percentage | 52% | 48% | 56% | 44% | 60% | 40% | 63% | 37% | 58% | 42% |
| Proportionate distribution of seats | 6 | 5 | 6 | 5 | 7 | 4 | 7 | 4 | 6 | 5 |
| Seats actually won | 7 | 4 | 9 | 2 | 10 | 1 | 10 | 1 | 9 | 2 |

* Majority

In the election of congressional Representatives and presidential electors the state is free to use the district system, or the general ticket system without proportionment, or the general ticket with proportionment. While steering clear of the last named altogether, the states have tended to use the district system for Representatives and the general ticket without proportionment for electors. Whenever any decennial census indicates that a state is entitled to more or fewer Representatives, a redrawing of district lines is in order, and the state itself determines how the redrawing shall proceed. The Missouri Constitution (Article III, Section 45) prescribes that this task be performed by the General Assembly in an ordinary act of legislation. The only requirement is that such districts "shall be composed of contiguous territory as compact and as nearly equal in population as may be".

Redistricting is always an extremely delicate political operation, since it affects the long-term fortunes of contending personalities and factions. If a state's delegation in Congress is to be increased, the showdown may be averted or at least postponed by retaining the old districts and electing the new additional Representatives at large. But if the delegation is to be decreased, as was the problem in Missouri in 1932 (from 16 to 13), in 1952 (from 13 to 11), and again in 1962 (from 11 to 10), there is nothing to do but either redistrict the state or elect the entire delegation at large. In 1932 the latter method was resorted to since the General Assembly failed to enact a redistricting law in time for the elections of that year, the result being that the Democrats, having a majority, won all thirteen seats.

Again in 1952 it appeared that redistricting might not be effected in time for the elections. Although Governor Forrest Smith had signed a redistricting act on 5 March 1952, court suits and technical maneuvers kept the issue in doubt until four weeks before the August primaries; on July 8th the Missouri Supreme Court finally decided that the law setting up the districts would have to be followed.

Political overtones of the whole redistricting problem have become so prominent in this state, with charges of gerrymandering on both sides, that there is some movement advocating an amendment to the Constitution which would transfer the task of redistricting from the General Assembly to a special bipartisan commission somewhat like that used for the drawing of state senatorial districts (chap. 7). Missouri's eleven congressional districts as established by the General Assembly in 1952 are shown on the accompanying map, and the results of the five Congressional elections under that apportionment given in the table. In none of these elections did the parties receive an allotment of seats proportionate to the popular vote.

A similar if not worse gerrymander is evident from the new map of districts adopted in 1961. The redistricting bill passed the Missouri Senate a few minutes past the session deadline, midnight June 30, though the hands of the clock had been stopped earlier to show compliance with the Constitution. This districting gave the Republicans one "sure" district--the 7th--and left the 2nd (currently held by a Republican) in the doubtful category. On this basis the Republicans, though polling 42% of the state's vote for Congressmen in 1960, may expect to win only 10% or at most 20% of the Congressional delegation in 1962. The law at once was attacked in the courts.

OBLIGATIONS OF THE NATION TO MISSOURI. The federal Constitution imposes on the national government certain obligations toward all states. Among these are: (1) to "guarantee to every State in this Union a Republican Form of Government" (Article IV, Section 4); (2) to "protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence" (Article IV, Section 4); and (3) to respect and preserve the boundaries of the states (Article IV, Section 3: "no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.").

Very seldom have the above clauses been invoked, since conditions which might call them into action rarely present themselves. In the aftermath of the extremely close gubernatorial

race of 1940, when in apparent contravention of the then-prevailing constitution of 1875 the Democratic majority in the General Assembly refused to allow the seating of Forrest Donnell pending the outcome of a recount, there was some talk of attempting to invoke federal aid to carry out the guarantee of a "republican form of government". Mr. Donnell, however, was not a party to the attempt, and stood aside until enough of a recount was completed to satisfy the General Assembly that he should be declared elected.

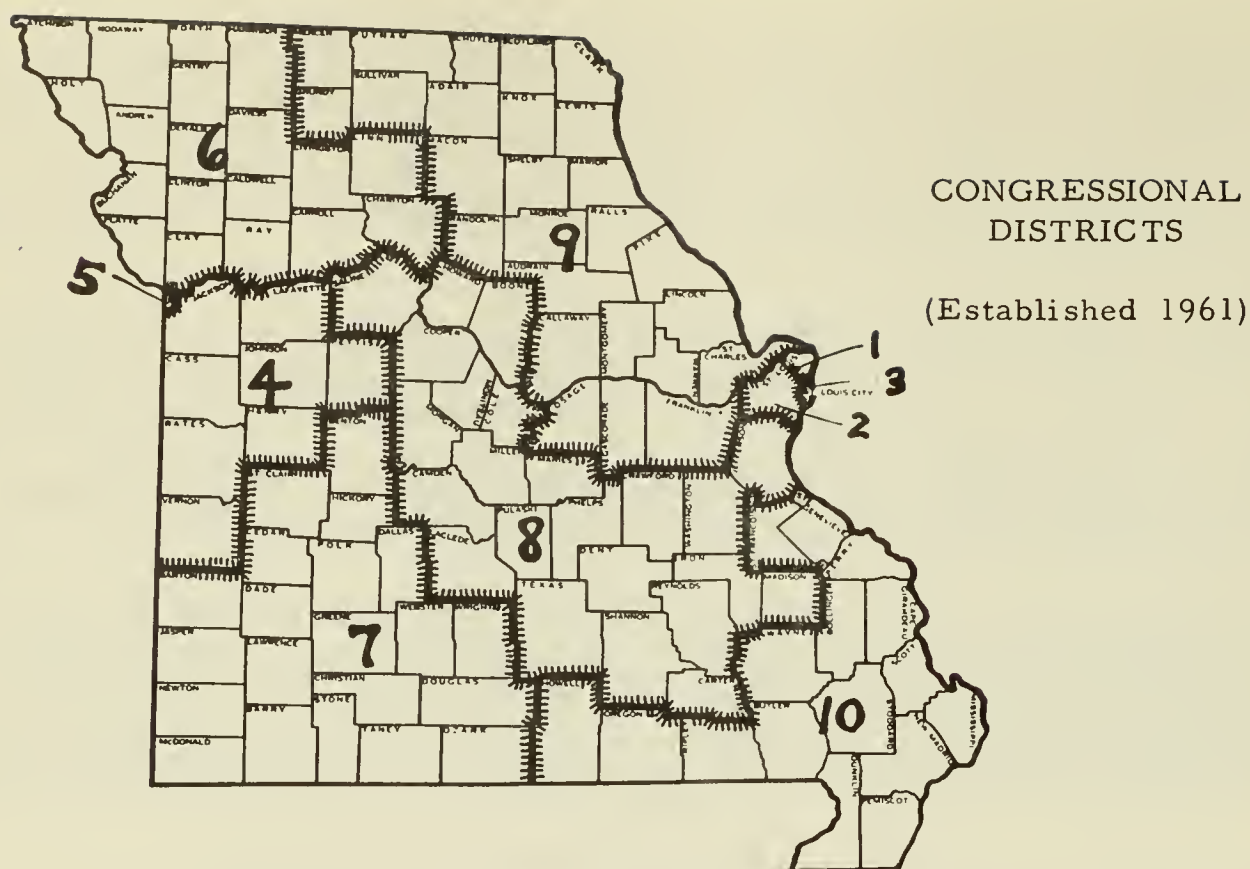
FEDERAL ASSISTANCE. Motivated not by legal obligation but by considerations of sound public policy and working through the various specific powers allotted in the national Constitution, Congress has developed far-reaching programs of assistance to the states. Wherever assistance is thus given, federal guidance, supervision, and control come into the picture. In this way not only are states encouraged to improve their services and functioning, but also minimum standards of welfare and progress tend to become established over the country.

The chief device used for dispensing this federal assistance is the grant-in-aid. Congress for specified purposes provides funds which the states are free to accept or reject. Acceptance usually is conditioned upon the states' agreeing to match the grant and to spend it in accordance with plans previously approved by the national government. Federal grants received by Missouri during the fiscal year ended 30 June 1960, as reported by the Department of Revenue, were as follows:

FEDERAL FUNDS RECEIVED DURING FISCAL YEAR ENDED JUNE 30, 1960

| | Amount | Totals |
|------------------------------------|-----------------|------------------|
| Education — | | |
| Vocational Education | \$2,725,901.11 | |
| Vocational Rehabilitation | 892,959.44 | |
| School Lunch and Milk | 4,246,742.00 | |
| Disability Freeze | 341,872.27 | |
| Library Service Commission | 198,893.00 | \$8,406,367.82 |
| Welfare — | | |
| Old Age Assistance | \$57,394,921.30 | |
| Aid to Dependent Children | 21,980,049.62 | |
| Disability Assistance | 7,908,752.07 | |
| Child Welfare Service | 280,777.00 | |
| Aid to Blind | 2,300,915.12 | |
| Federal Soldiers Home | 61,775.68 | 89,927,190.79 |
| Health — | | |
| U. S. Public Health | \$1,116,607.64 | |
| Hospital Construction | 4,620,914.57 | |
| Research Grant Awards | 22,441.00 | 5,759,963.21 |
| Conservation — | | |
| Forestry | \$297,265.00 | |
| Aid to Fish and Game | 774,704.13 | |
| National Forest Timber Sales | 52,491.61 | |
| U. S. Flood Control | 95,330.02 | 1,219,790.76 |
| Highways — | | |
| State Road Fund | \$76,096,393.26 | 76,096,393.26 |
| Civil Defense | | 164,749.73 |
| Unemployment | | 6,778,689.00 |
| Agriculture — | | |
| Federal Marketing Bureau | | 5,384.16 |
| TOTAL | | \$188,358,528.73 |

Complaints are sometimes voiced against the extent of authority assumed by the federal government over projects financed in part by federal grants. If, for instance, the state wishes to hire on a partisan or even bipartisan basis the administrative personnel engaged in the proj-



ect for which the grant is given, it may discover (as has happened) that it may have to change quickly to a thoroughgoing nonpartisan merit system or else forfeit further funds. In spite of considerable irritation and complaining, Missouri like most other states finally comes around to complying with federal specifications in order to draw from the horn of plenty.

Federal assistance is evidenced in other ways than outright grants of money. In everyday law enforcement the facilities of national agencies such as the F. B. I. are available to state and local officers on a courtesy basis as needed; occasionally states are in a position to return the favor. Also Congress, in pursuance of the interstate commerce power, has passed a number of acts which indirectly aid in the enforcement of state laws. Thus it has been made a federal offense to take or send outside a state any wild game killed in violation of that state's laws; or to transport kidnapped persons or stolen goods across state lines; or to flee from a state in order to avoid arrest on a felony charge or to avoid testifying in felony cases. Again, the federal government has a policy of giving to states or their subdivisions certain "payments in lieu of taxes", in situations where the existence of tax-exempt federal property in the area would work a hardship on the locality.

It would be beyond the scope of the present treatment to attempt to list all ways in which mutual assistance is practiced between the federal government and state governments. There is enough of this each way for its preservation to be extremely important to both levels. Since most of it, however, is from the federal level downward, it constitutes a weighty factor in the general problem of a steadily increasing federal supremacy.

THE QUESTION OF SUPREMACY. Although there is unquestionably a strong trend toward increasing the powers of the federal government at the expense of those of the states, it is equally clear that there is a residuum of state powers which it is unlikely the federal government will ever take over. For the regulation of everyday civil and criminal affairs, and for the discharge of the bulk of the obligation of ministering to the "general welfare" (the police power), there is at the present time no substitute nor any serious talk of finding a substitute for the states. Such federal restrictions and encroachments as are met with are only on the fringe of these activities, restraining them when they clearly violate due process or checking and supplanting them when they obviously get beyond their proper jurisdictions.

The curbing of an overweening federal power is not always the same problem as that of preserving states' rights. It is undoubtedly true that some federal activities need de-emphasis if not outright discontinuance. But the arguments for such are more along lines of economy and efficiency than on the question of state survival. A solid core of regulation on the state level will always be needed. It behooves an enlightened citizenry to see that these proper functions are discharged well by the states, thus providing no temptation for federal encroachment in areas not properly allotted to national concern by the federal Constitution. A healthy situation will prevail when officials and citizens alike realize that the nation and the states are not rivals for power but rather constitute supplementary agencies of service and control, each with its proper and necessary role.

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THE CONSTITUTION OF THE STATE OF MISSOURI

(As of 1 August 1961)

PREAMBLE

We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe,* and grateful for His goodness, do establish this Constitution for the better government of the State.

ARTICLE I BILL OF RIGHTS

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

Section 1. Source of political power—origin, basis, and aim of government.—That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. Promotion of general welfare—natural rights of persons—equality under the law—purpose of government.—That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.

Sec. 3. Powers of the people over internal affairs, constitution and form of government.—That the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constitution of the United States.

Sec. 4. Independence of Missouri—submission of certain amendments to Constitution of the United States.—That Missouri is a free and independent state, subject only to the Constitution of the United States; that all proposed amendments to the Constitution of the United States qualifying or affecting the individual liberties of the people or which in anywise may impair the right of local self-government belonging to the people of this state, should be submitted to conventions of the people.

Sec. 5. Religious freedom—liberty of conscience and belief—limitations.—That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority can control or interfere with the rights of conscience; that no person shall, on account of his religious persuasion or belief, be rendered ineligible to any public office of trust or profit in this state, be disqualified from testifying or serving as a juror, or be molested in his person or estate; but this section shall not be construed to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the state, or with the rights of others.

Sec. 6. Practice and support of religion not compulsory—contracts therefor enforceable.—That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person

shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

Sec. 7. Public aid for religious purposes—preferences and discriminations on religious grounds.—That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.

Sec. 8. Freedom of speech—evidence of truth in defamation actions—province of jury.—That no law shall be passed impairing the freedom of speech, no matter by what means communicated; that every person shall be free to say, write or publish, or otherwise communicate whatever he will on any subject, being responsible for all abuses of that liberty; and that in all suits and prosecutions for libel or slander the truth thereof may be given in evidence; and in suits and prosecutions for libel the jury, under the direction of the court, shall determine the law and the facts.

Sec. 9. Rights of peaceable assembly and petition.—That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

Sec. 10. Due process of law.—That no person shall be deprived of life, liberty or property without due process of law.

Sec. 11. Imprisonment for debt.—That no person shall be imprisoned for debt, except for nonpayment of fines and penalties imposed by law.

Sec. 12. Habeas corpus.—That the privilege of the writ of habeas corpus shall never be suspended.

Sec. 13. Ex post facto laws—impairment of contracts—irrevocable privileges.—That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be enacted.

Sec. 14. Open courts—certain remedies—justice without sale, denial, or delay.—That the courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.

Sec. 15. Unreasonable search and seizure prohibited—contents and basis of warrants.—That the people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by written oath or affirmation.

Sec. 16. Grand juries—composition—jurisdiction to convene—powers.—That a grand jury shall consist of twelve citizens, any nine of whom concurring may find an indictment or a true bill: Provided, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime; and that the power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.

NOTE: This text of the Constitution is reproduced mainly from that issued by the Secretary of State after the elections of 1958. All twelve amendments adopted through 1960 are, however, incorporated. Occasional use of bold-face type in the body of the text indicates new substantive material in the 1945 document, at the time of its adoption, as compared with the previous Constitution. Ordinary open-face type is used for amendments added after 1945 through 1958, and typewriter copy for amendments adopted after that year. The texts of newly proposed amendments are added at the end.

Sec. 17. Indictments and informations in criminal cases—exceptions.—That no person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment or information, which shall be concurrent remedies, but this shall not be applied to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, nor to prevent arrests and preliminary examination in any criminal case.

Sec. 18(a). Rights of accused in criminal prosecutions.—That in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

Sec. 18(b). Depositions in felony cases.—Upon a hearing and finding by the circuit court in any case wherein the accused is charged with a felony, that it is necessary to take the deposition of any witness within the state, other than defendant and spouse, in order to preserve the testimony, and on condition that the court make such orders as will fully protect the rights of personal confrontation and cross-examination of the witness by defendant, the state may take the deposition of such witness and either party may use the same at the trial, as in civil cases, provided there has been substantial compliance with such orders. The reasonable personal and traveling expenses of defendant and his counsel shall be paid by the state or county as provided by law.

Sec. 19. Self incrimination and double jeopardy.—That no person shall be compelled to testify against himself in a criminal cause, nor shall any person be put again in jeopardy of life or liberty for the same offense, after being once acquitted by a jury; but if the jury fail to render a verdict the court may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the same or next term of court; and if judgment be arrested after a verdict of guilty on a defective indictment or information, or if judgment on a verdict of guilty be reversed for error in law, the prisoner may be tried anew on a proper indictment or information, or according to the law.

Sec. 20. Bail guaranteed—exceptions.—That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Sec. 21. Excessive bail and fines — cruel and unusual punishment.—That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 22(a). Right of trial by jury—qualifications of jurors—two-thirds verdicts.—That the right of trial by jury as heretofore enjoyed shall remain inviolate: Provided, that a jury for the trial of criminal and civil cases in courts not of record may consist of less than twelve citizens as may be prescribed by law, and a two-thirds majority of such number concurring may render a verdict in all civil cases; that in all civil cases in courts of record, three-fourths of the members of the jury concurring may render a verdict; and that in every criminal case any defendant may, with the assent of the court, waive a jury trial and submit the trial of such case to the court, whose finding shall have the force and effect of a verdict of a jury.

Sec. 22(b). Female jurors—optional exemption.—No citizen shall be disqualified from jury service because of sex, but the court shall excuse any woman who requests exemption therefrom before being sworn as a juror.

Sec. 23. Right to keep and bear arms—exception.—That the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons.

Sec. 24. Subordination of military to civil power—quartering soldiers.—That the military shall be always in strict subordination to the civil power; that no soldier shall be quartered in any house without the consent of the owner in time of peace, nor in time of war, except as prescribed by law.

Sec. 25. Elections and right of suffrage.—That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 26. Compensation for property taken by eminent

domain — condemnation juries — payment — railroad property.—That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be provided by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad purposes without consent of the owner thereof shall remain in such owner subject to the use for which it is taken.

Sec. 27. Acquisition of excess property by eminent domain—disposition under restrictions.—That in such manner and under such limitations as may be provided by law, the state, or any county or city may acquire by eminent domain such property, or rights in property, in excess of that actually to be occupied by the public improvement or used in connection therewith, as may be reasonably necessary to effectuate the purposes intended, and may be vested with the fee simple title thereto, or the control of the use thereof, and may sell such excess property with such restrictions as shall be appropriate to preserve the improvements made.

Sec. 28. Limitation on taking of private property for private use—exceptions—public use a judicial question.—That private property shall not be taken for private use with or without compensation, unless by consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others for agricultural and sanitary purposes, in the manner prescribed by law; and that when an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be judicially determined without regard to any legislative declaration that the use is public.

Sec. 29. Organized labor and collective bargaining.—That employees shall have the right to organize and to bargain collectively through representatives of their own choosing.

Sec. 30. Treason—attainder—corruption of blood and forfeitures—estates of suicides—death by casualty.—That treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates or such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 31. Fines or imprisonments fixed by administrative agencies.—That no law shall delegate to any commission, bureau, board or other administrative agency authority to make any rule fixing a fine or imprisonment as punishment for its violation.

ARTICLE II

THE DISTRIBUTION OF POWERS

Section 1. Three departments of government—separation of powers.—The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

ARTICLE III

LEGISLATIVE DEPARTMENT

Sec. 1. Legislative power—General Assembly.—The legislative power shall be vested in a senate and house of representatives to be styled “The General Assembly of the State of Missouri.”

Sec. 2. Election of representatives—terms—apportionment.—The house of representatives shall consist of members elected at each general election and apportioned in the following manner. The ratio of representation shall be the whole number of the inhabitants of the state divided by the number two hundred. Each county having one ratio, or less, shall elect one representative; each county having two and a half times the ratio shall elect two representatives; each county having four times the ratio shall elect three representatives; each county having six times the ratio shall elect four representatives, and so on above that number giving an additional member for every two and a half additional ratios. On the taking of each decennial census of the United States, the secretary of state shall forthwith certify to the county courts, and to the body authorized to establish election precincts in the City of St. Louis, the number of representatives to be elected in the respective counties.

Sec. 3. Representative districts in larger counties.—When any county is entitled to more than one representative, the county court, and in the City of St. Louis the body authorized to establish election precincts, shall divide the county into districts of contiguous territory, as compact and nearly equal in population as may be, in each of which one representative shall be elected.

Sec. 4. Qualifications of representatives.—Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken.

Sec. 5. Senators—number—terms—senatorial districts.—The senate shall consist of thirty-four members elected by the qualified voters of the respective districts for four years. For the election of senators, the state shall be divided into convenient districts of contiguous territory, as compact and nearly equal in population as may be. No county shall be divided in the making of districts composed of more than one county.

Sec. 6. Qualifications of senators.—Each senator shall be thirty years of age, and next before the day of his election shall have been a qualified voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken.

Sec. 7. Senatorial Apportionment Commission—number, method of selection, and compensation of members—duties of commission—effect of action and inaction.—Within sixty days after this Constitution takes effect, and thereafter within sixty days after the population of the state is reported to the President for each decennial census of the United States, the state committee of each of the two political parties casting the highest vote for governor at the last preceding election shall submit to the governor a list of ten persons, and within thirty days thereafter the governor shall appoint a commission of ten members, five from each list, to reapportion the thirty-four senators and the numbers of their districts among the counties of the state. If either of the party committees fail to submit a list within such time the governor shall appoint five members of his own choice from the party of such committee. Each member of the commission shall receive fifteen dollars a day, but not more than one thousand dollars. The commission shall reapportion the senators by dividing the population of the state by the number thirty-four, and the population of no district shall vary from the quotient by more than one-fourth thereof. The commission shall file with the secretary of state a full statement of the numbers of the districts and the counties included in the districts, and no statement shall be valid unless approved by seven members. After the statement is filed senators shall be elected according to such districts until a re-apportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of any such commission it shall stand discharged and the senators to be elected at the next election shall be elected from the state at large, following which a new commission shall be appointed in like manner and with like effect. No such reapportionment shall be subject to the referendum.

Sec. 8. Senatorial districts—division of counties.—When any county is entitled to more than one senator the county court, and in the City of St. Louis the body authorized to establish election precincts, shall divide the county into districts of contiguous territory, as compact and nearly equal in population as may be, in each of which one senator shall be elected.

Sec. 9. Apportionment of representatives.—Until apportionment of the representatives can be made in accordance with this article, the house of representatives shall consist of one hundred fifty-four members apportioned among the several counties as follows: The County of Buchanan shall have three; the County of Greene shall have three; the County of Jackson shall have eleven; the County of Jasper shall have three; the City of St. Louis shall have eighteen, the County of St. Louis shall have seven, and each of the other counties shall have one.

Sec. 10. Basis of apportionment—alteration of districts.—The last decennial census of the United States shall be used in apportioning representatives and determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

Sec. 11. Time of election of senators and representatives.—The first election of senators and representatives under this Constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election.

Sec. 12. Members of General Assembly disqualified from holding other offices.—No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This section shall not apply to members of the organized militia, of the reserve corps and of school boards, and notaries public.

Sec. 13. Vacation of office by removal of residence.—If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Sec. 14. Writ of election to fill vacancies.—Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.

Sec. 15. Oath of office of members of Assembly—administration—effect of refusal to take oath and conviction of violation.—Every senator or representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of the respective houses to the members thereof, by a judge of the supreme court or a circuit court, or after the organization by the presiding officer of either house, and shall be filed in the office of the secretary of state. Any senator or representative refusing to take said oath or affirmation shall be deemed to have vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever disqualified from holding any office of trust or profit in this state.

Sec. 16. Compensation and mileage of members of Assembly.—Senators and representatives, until otherwise provided by law, shall receive from the state treasury as salary the sum of one hundred and twenty-five dol-

lars per month. No law fixing the compensation of members of the general assembly shall become effective until the first day of the regular session of the general assembly next following the session at which the law was enacted. Upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the state comptroller shall audit and the state treasurer shall pay such compensation without legislative enactment. Senators and representatives shall receive one dollar for every ten miles traveled in going to and returning from their place of meeting, twice per month, while the legislature is in session, on the most usual route.

Sec. 16(a). Expenses of members of assembly—how paid.—Each senator or representative shall be reimbursed from the state treasury for the actual and necessary expenses incurred by him in attending sessions of the General Assembly and which do not exceed the sum of ten dollars (\$10.00) per day for each day on which the first roll call, following the opening prayer, in the Journal of the Senate or House respectively, shows the presence of such senator or representative. Upon certification by the president and secretary of the Senate and by the speaker and chief clerk of the House of Representatives as to the respective members thereof, the state comptroller shall approve and the state treasurer shall pay monthly such expense allowance without legislative enactment. No such reimbursement shall be paid to any senator or representative for any day of a regular session after June 30 following the convening of the General Assembly in regular session on the first Wednesday after the first day of January following each general election, nor for any day after the sixtieth calendar day following the date of its convening in special session.

Sec. 17. Limitation on number of legislative employees.—The house of representatives shall not employ more than one hundred twenty-five and the senate shall not employ more than seventy-five employees elective, appointive or any other at any time during any session.

Sec. 18. Appointment of officers of houses—jurisdiction to determine membership—power to make rules, punish for contempt and disorderly conduct, and expel members.—Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct; and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Sec. 19. Legislative privileges.—Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and for the fifteen days next before the commencement and after the termination of each session; and they shall not be questioned for any speech or debate in either house in any other place.

Sec. 20. Regular sessions of Assembly—quorum—compulsory attendance—public sessions—limitation on power to adjourn.—The general assembly shall meet in regular sessions on the first Wednesday after the first day of January following each general election. A majority of the elected members of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide. The sessions of each house shall be held with open doors, except in cases which may require secrecy. Neither house shall, without the consent of the other, adjourn for

more than ten days at any one time, nor to any other place than that in which the two houses may be sitting.

Sec. 20(a). Final adjournment of assembly, when—adjournment of special sessions.—The General Assembly shall automatically stand adjourned sine die at midnight on the fifteenth day of July following its convening in regular session on the first Wednesday after the first day of January following each general election unless it has adjourned sine die prior thereto. All bills in either house remaining on the calendar after midnight June thirtieth are tabled and the period between midnight June thirtieth and midnight July fifteenth shall be devoted to the enrolling, engrossing, and the signing in open session, of bills passed prior to midnight June thirtieth by the officers of the respective houses.

The General Assembly shall automatically stand adjourned sine die at midnight on the sixtieth calendar day after the date of its convening in special session unless it has adjourned sine die prior thereto.

LEGISLATIVE PROCEEDINGS

Sec. 21. Style of laws—bills—limitation on amendments—power of each house to originate and amend bills—reading of bills.—The style of the laws of this state shall be "Be it enacted by the General Assembly of the State of Missouri, as follows." No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose. Bills may originate in either house and may be amended or rejected by the other. Every bill shall be read by title on three different days in each house.

Sec. 22. Reference of bills to committees—recall of referred Bills—records of committees.—Every bill shall be referred to a committee of the house in which it is pending. After it has been referred to a committee, one third of the elected members of the respective houses shall have power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. Each committee shall keep such record of its proceedings as is required by rule of the respective houses and this record and the recorded vote of the members of the committee shall be filed with all reports on bills.

Sec. 23. Limitation of scope of bills—contents of titles—exceptions.—No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated.

Sec. 24. Printing of bills and amendments.—No bill³ shall be considered for final passage in either house until it, with all amendments thereto, has been printed and copies distributed among the members. If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed and copies distributed among the members before final action on such amendments.

Sec. 25. Limitation on introduction of bills.—No bill other than an appropriation bill shall be introduced in either house after the sixtieth legislative day of any regular session unless consented to by a majority of the elected members of each house or the governor shall request a consideration of the proposed legislation by a special message.

Sec. 26. Legislative journals—Demand for Yeas and Nays—manner and record of Vote.—Each house shall publish a journal of its proceedings. The yeas and nays on any question shall be taken and entered on the journal on the motion of any five members. Whenever the yeas and nays are demanded, or required by this Constitution, the whole list of members shall be called and the names of the members voting yea and nay and the absentees shall be entered in the journal.

Sec. 27. Concurrence in amendments—adoption of conference committee reports—final passage of bills.—No amendments to bills by one house shall be concurred in by the other, nor

shall reports of committees of conference be adopted in either house, nor shall a bill be finally passed, unless a vote by yeas and nays be taken and a majority of the members elected to each house be recorded as voting favorably.

Sec. 28. Form of reviving, re-enacting, and amending Bills. No act shall be revived or reenacted unless it shall be set forth at length as if it were an original act. No act shall be amended by providing that words be stricken out or inserted, but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

Sec. 29. Effective date of laws—exceptions—procedure in emergencies and upon recess.—No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; **provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess.**

Sec. 30. Signing of bills by presiding officers—procedure on objections—presentation of bills to governor.—No bill shall become a law until it is signed by the presiding officer of each house in open session, who first shall suspend all other business, declare that the bill shall now be read and that if no objection be made he will sign the same. If in either house any member shall object in writing to the signing of a bill, the objection shall be noted in the journal and annexed to the bill to be considered by the governor in connection therewith. When a bill has been signed, the secretary, or the chief clerk, of the house in which the bill originated shall present the bill in person to the governor on the same day on which it was signed and enter the fact upon the journal.

Sec. 31. Governor's duty as to bills and joint resolutions—time limitations.—All bills and joint resolutions passed by both houses shall be presented to and considered by the governor, and within fifteen days after presentation he shall return them to the house of their origin endorsed with his approval or accompanied by his objections. If the bill be approved by the governor it shall become a law. When the general assembly adjourns, or recesses for a period of thirty days or more, the governor may return within forty-five days any bill or resolution to the office of the secretary of state with his approval or reasons for disapproval.

Sec. 32. Procedure after veto.—Every bill presented to the governor and returned with his objections shall stand as reconsidered in the house to which it is returned. The objections of the governor shall be entered upon the journal and the house shall proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays and if two-thirds of the elected members of the house vote in the affirmative the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill with the objections of the governor to the other house, in which like proceedings shall be had in relation thereto. The bill thus certified shall be deposited in the office of the secretary of state as an authentic act and shall become a law.

Sec. 33. Procedure on failure of governor to return bill.—Whenever the governor shall fail to return a bill presented to him as required by this Constitution, the general assembly by joint resolution reciting the fact of such failure and the bill at length, may direct the secretary of state to enroll the bill as an authentic act and it shall become a law; provided, that such joint resolution shall not be submitted to the governor for his approval.

Sec. 34. Revision of general statutes—limitation on compensation.—In the year 1949 and at least every ten years thereafter all general statute laws shall be revised, digested and promulgated as provided by law. No senator or representative shall receive any compensation in addition to his salary as a member of the general assembly for any services rendered in connection with said revision.

Sec. 35. Committee on Legislative Research.—There shall be a permanent joint committee on legislative research, selected by and from the members of each house as provided by law. The general assembly, by a majority vote of the elected members, may discharge any or all of the members of the committee at any time and select their successors. The committee may employ a staff as provided by law. The committee shall meet when necessary to perform the duties, advisory to the general assembly, assigned to it by law. The members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee.

LIMITATION ON LEGISLATIVE POWER

Sec. 36. Payment of state revenues and receipts to treasury—limitation of withdrawals to appropriations—order of appropriations.—All revenue collected and money received by the state shall go into the treasury and the general assembly shall have no power to divert the same or to permit the withdrawal of money from the treasury, except in pursuance of appropriations made by law. All appropriations of money by successive general assemblies shall be made in the following order:

First: For payment of sinking fund and interest on outstanding obligations of the state.

Second: **For the purpose of public education.**

Third: For the payment of the cost of assessing and collecting the revenue.

Fourth: For the payment of the civil lists.

Fifth: For the support of eleemosynary and other state institutions.

Sixth: **For public health and public welfare.**

Seventh: **For all other state purposes.**

Eighth: **For the expense of the general assembly.**

Sec. 37. Limitation on state debts and bond issues.—The general assembly shall have no power to contract or authorize the contracting of any liability of the state, or to issue bonds therefor, except (1) to refund outstanding bonds, the refunding bonds to mature not more than twenty-five years from date, (2) on the recommendation of the governor, for a temporary liability to be incurred by reason of unforeseen emergency or casual deficiency in revenue, in a sum not to exceed one million dollars for any one year and to be paid in not more than five years from its creation, and (3) when the liability exceeds one million dollars, the general assembly as on constitutional amendments, or the people by the initiative, may also submit a measure containing the amount, purpose and terms of the liability, and if the measure is approved by a majority of the qualified electors of the state voting thereon at the election, the liability may be incurred, and the bonds issued therefor must be retired serially and by instalments within a period not exceeding twenty-five years from their date. Before any bonds are issued under this section the general assembly shall make adequate provision for the payment of the principal and interest, and may provide an annual tax on all taxable property in an amount sufficient for the purpose.

Sec. 37(a). State building bond issue authorized—interest rate—payment from income tax and other funds.—In addition to the exceptions made in Section 37, the General Assembly shall have power to contract, or to authorize the contracting of, a debt or liability on behalf of the state, and to issue bonds or other evidence of indebtedness therefor, not exceeding in the aggregate Seventy-five Million Dollars (\$75,000,000), for the purpose of repairing, remodeling or rebuilding, or of repairing, remodeling and rebuilding state buildings and properties at all or any of the penal, correctional and reformatory institutions of this state, the state training schools, state hospitals and state schools and other eleemosynary institutions of this state, and institutions of higher education of this state, and for building additions thereto and additional buildings where necessary, and for furnishing and equipping any such improvements.

Such bonds shall bear interest at a rate not exceeding three per centum (3%) per annum, payable semiannually, except that the first

interest payable thereon may be paid not later than one year from the date of issuance, and maturing not later than twenty-five years from their date. Such bonds shall be issued by the State Board of Fund Commissioners in such amount, from time to time, as may be necessary to carry on the building program as determined by the General Assembly. The proceeds of the sale or sales of any bonds issued hereunder shall be paid into the state treasury and be credited to a fund to be designated the "Second State Building Fund."

The proceeds of the sale of the bonds herein authorized shall be expended for the purposes for which the bonds are hereinabove authorized to be issued.

The bonds and the interest thereon shall be paid out of the Second State Building Bond Interest and Sinking Fund, which is hereby created. Upon the issuance of such bonds, or any portion thereof, the State Board of Fund Commissioners shall notify the State Comptroller of the amount of money required, in the remaining portion of the fiscal year during which said bonds shall have been issued, for the payment of interest on the said bonds, and of the amount of money required for the payment of interest on the said bonds in the next succeeding fiscal year, and for the establishment and maintenance of a sinking fund to pay said bonds as they mature. Thereafter, within thirty days after the beginning of each fiscal year, the State Board of Fund Commissioners shall notify the State Comptroller of the amount of money required for the payment of interest on the said bonds in the next succeeding fiscal year and for the maintenance of the sinking fund to pay said bonds maturing in such next succeeding fiscal year.

It shall be the duty of the State Comptroller to transfer, at least monthly, the proceeds of the state income tax, after deducting therefrom the proportionate part thereof appropriated for the support of the free public schools, to the credit of the Second State Building Bond Interest and Sinking Fund until there shall have been transferred to said fund the amount so certified to him by the State Board of Fund Commissioners, as hereinabove provided.

If at any time after the issuance of any of the said bonds, it shall become apparent to the State Comptroller that the proceeds of the state income tax, as aforesaid, will not be sufficient for the payment of the principal and interest maturing and accruing on said bonds during the next succeeding fiscal year, a direct tax shall be levied upon all taxable tangible property in the state for the payment of said bonds and the interest that will accrue thereon. In such event, it shall be the duty of the State Comptroller annually, on or before the first day of July, to determine the rate of taxation necessary to be levied upon all taxable tangible property within the state to raise the amount of money needed to pay the principal of and interest on such bonds maturing and accruing in the next succeeding fiscal year, taking into consideration available funds, delinquencies and costs of collection. The State Comptroller shall annually certify the rate of taxation so determined to the county clerk of each county and to the comptroller or other officer in the city of St. Louis whose duty it shall be to make up and certify the tax books wherein are extended the ad valorem state taxes. It shall be the duty of said clerks and the said comptroller or other proper officer in the city of St. Louis to extend upon the tax books the taxes to be collected and to certify the same to the collectors of the revenue of their respective counties and of the city of St. Louis, who shall collect such taxes at the same time and in the same manner and by the same means as are now or may hereafter be provided by law for the collection of state and county taxes, and to pay the same into the state treasury for the credit of the Second State Building Bond Interest and Sinking Fund.

If at any time the balance in said Second State Building Bond Interest and Sinking Fund should be insufficient to pay accruing interest or maturing principal of said bonds, the Board of Fund Commissioners shall direct the State Comptroller to transfer from the State Revenue Fund to said Second State Building Bond Interest and Sinking Fund the sum required for said purposes, or either of them, and said sum so transferred shall be reimbursed to the State Revenue Fund whenever there may be a balance in the Second State Building Bond Interest and Sinking Fund in excess of the amount which may then be needed to meet the accruing interest and maturing principal of the said bonds during one fiscal year next succeeding.

All funds paid into the Second State Building Bond Interest and Sinking Fund shall be and stand appropriated without legislative action to the payment of principal and interest of the said bonds,

there to remain until paid out in discharge of the principal of said bonds and the interest accruing thereon, and no part of such fund shall be used for any other purpose so long as any of the principal of said bonds and the interest thereon shall be unpaid, provided, however, that nothing herein contained shall prevent the reimbursement from the said Second State Building Bond Interest and Sinking Fund of the State Revenue Fund, as hereinabove provided.

The General Assembly shall enact such laws as may be necessary to carry this amendment into effect.

Sec. 38(a). Limitation on use of state funds and credit—exceptions—public calamity—blind pensions—old-age assistance—aid to children—direct relief—adjusted compensation for veterans—rehabilitation—participation in federal aid.—The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation, excepting aid in public calamity, and general laws providing for pensions for the blind, for old age assistance, for aid to dependent or crippled children or the blind, for direct relief, for adjusted compensation, bonus or rehabilitation for discharged members of the armed services of the United States who were bona fide residents of this state during this service, and for the rehabilitation of other persons. Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States.

Sec. 38(b). Tax levy for blind-pension fund.—The general assembly shall provide an annual tax of not less than one-half of one cent nor more than three cents on the one hundred dollars valuation of all taxable property to be levied and collected as other taxes, for the purpose of providing a fund to be appropriated and used for the pensioning of the deserving blind as provided by law. Any balance remaining in the fund after the payment of the pensions may be appropriated for the adequate support of the commission for the blind, and any remaining balance shall be transferred to the distributive public school fund.

Sec. 39. Limitation on power of Assembly.—The general assembly shall not have power:

- (1) **Use of state credit in aid of others.**—To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation; (Sec. 45, Art. IV, Const. of 1875, q. v. under Sec. 38 (a) of this Article, ante.)
- (2) **Guarantee of liabilities of others.**—To pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation; (Ibid.)
- (3) **Extra compensation to public employees or contractors.**—To grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part; (Sec. 48, Art. IV, Const. of 1875)
- (4) **Payment of ultra vires contracts.**—To pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law; (Ibid.)
- (5) **Release of public debts and claims.**—To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation; (Sec. 51, Art. IV, Const. of 1875)
- (6) **Appropriation of money for certain war debts.**—To make any appropriation of money for the payment, or on account of or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the Government of the United States to this state; (Sec. 52, Art. IV, Const. of 1875)

(7) **Action in extra session beyond call of special message.** To act, when convened in extra session by the Governor, upon subjects other than those specially designated in the proclamation calling said session or recommended by the special message to the general assembly after the convening of an extra session; (Sec. 55, Art. IV, Const. of 1875)

(8) **Change of seat of government.**—To remove the seat of government from the City of Jefferson; (Sec. 56, Art. IV, Const. of 1875)

(9) **Authorization of lotteries or gift enterprises.**—To authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; (Sec. 10, Art. XIV, Const. of 1875)

(10) **Imposition of use or sales tax on political subdivisions.**—To impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision.

Sec. 40. Limitations on passage of local and special laws.—

The general assembly shall not pass any local or special law:

- (1) authorizing the creation, extension or impairment of liens; (1)
- (2) granting divorces; (13)
- (3) changing the venue in civil or criminal cases; (4)
- (4) regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; (17)
- (5) summoning or empanelling grand or petit juries; (30)
- (6) for limitation of civil actions; (31)
- (7) remitting fines, penalties and forfeitures or refunding money legally paid into the treasury; (22)
- (8) extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their duties, or their securities from liability; (28)
- (9) changing the law of descent or succession; (16)
- (10) giving effect to informal or invalid wills or deeds; (29)
- (11) affecting the estates of minors or persons under disability; (21)
- (12) authorizing the adoption or legitimation of children; (9)
- (13) declaring any named person of age; (27)
- (14) changing the names of persons or places; (3)
- (15) vacating town plats, roads, streets or alleys; (7)
- (16) relating to cemeteries, graveyards or public grounds not of the state; (8)
- (17) authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys; (5)
- (18) for opening and conducting elections, or fixing or changing the place of voting; (12)
- (19) locating or changing county seats; (10)
- (20) creating new townships or changing the boundaries of townships or school districts; (14)
- (21) creating offices, prescribing the powers and duties of officers in, or regulating the affairs of counties, cities, townships, election or school districts; (2 and 15)
- (22) incorporating cities, towns, or villages or changing their charters; (11)
- (23) regulating the fees or extending the powers of aldermen, magistrates or constables; (18)
- (24) regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes; (19)
- (25) legalizing the unauthorized or invalid acts of any officer or agent of the state or of any county or municipality; (32)
- (26) fixing the rate of interest; (20)
- (27) regulating labor, trade, mining or manufacturing; (24)
- (28) granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or

to any corporation, association or individual the right to lay down a railroad track; (26)

(29) relating to ferries or bridges, except for the erection of bridges crossing streams which form the boundary between this and any other state; (6)

(30) where a general law can be made applicable, and whether a general law could have been made applicable is a judicial question to be judicially determined without regard to any legislative assertion on that subject; (32)

Sec. 41. Indirect enactment of local and special laws—repeal of local and special laws.—The general assembly shall not indirectly enact a special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Sec. 42. Notice of proposed local or special laws.—No local or special law shall be passed unless a notice, setting forth the intention to apply therefor and the substance of the contemplated law, shall have been published in the locality where the matter or thing to be affected is situated at least thirty days prior to the introduction of the bill into the general assembly and in the manner provided by law. Proof of publication shall be filed with the general assembly before the act shall be passed and the notice shall be recited in the act.

Sec. 43. Title and control of lands of United States—exemption from taxation—taxation of lands of nonresidents.—The general assembly shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to bona fide purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing without the state ever be taxed at a higher rate than lands belonging to persons residing within the state.

Sec. 44. Uniform interest rates.—No law shall be valid fixing rates of interest or return for the loan or use of money, or the service or other charges made or imposed in connection therewith, for any particular group or class engaged in lending money. The rates of interest fixed by law shall be applicable generally and to all lenders without regard to the type or classification of their business.

Sec. 45. Congressional apportionment.—When the number of representatives to which the state is entitled in the house of the congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

Sec. 46. Militia.—The general assembly shall provide for the organization, equipment, regulations and functions of an adequate militia, and shall conform the same as nearly as practicable to the regulations for the government of the armed forces of the United States.

Sec. 46 (a). Continuity of state government in case of enemy attack.—The General Assembly, in order to insure continuity of state and local governmental operations in periods of emergency only resulting from disasters occurring in this state caused by enemy attack on the United States, shall have the power to such extent as the General Assembly deems advisable

(1) To provide by legislative enactment for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and

(2) To adopt by legislative enactment such other legislation as may be necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section of the constitution, elections shall always be called as soon as possible to fill any elective vacancies in any office temporarily occupied by operation of any legislation enacted pursuant to the provisions of this section.

Sec. 47. State Park Fund—source and use—appropriations for park purposes.—For twelve years beginning with the year 1961, the general assembly shall appropriate for each year out of the general revenue fund, an amount not less than that produced annually at a tax rate of one cent on each one hundred dollars assessed valuation of the real and tangible personal property taxable by the state, for the exclusive purpose of providing a state park fund to be expended and used by the agency authorized by law to control and supervise state parks, and historic sites of the state, for the purposes of the acquisition, supervision, operation, maintenance, development, control, regulation and restoration of state parks and state park property, as may be determined by such agency; and thereafter the general assembly shall appropriate such amounts as may be reasonably necessary for such purposes.

The amount required to be appropriated by this section may be reduced to meet budgetary demands provided said appropriation is not less than that appropriated for the prior similar appropriation period.

Sec. 48. Historical memorials and monuments—acquisition of property.—The general assembly may enact laws and make appropriations to preserve and perpetuate memorials of the history of the state by parks, buildings, monuments, statues, paintings, documents of historical value or by other means, and to preserve places of historic or archaeological interest or scenic beauty, and for such purposes private property or the use thereof may be acquired by gift, purchase, or eminent domain or be subjected to reasonable regulation or control.

INITIATIVE AND REFERENDUM

Sec. 49. Reservation of power to enact and reject laws.—The people reserve power to propose and enact or reject laws and amendments to the Constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.

Sec. 50. Initiative petitions—signatures required—form and procedure.—Initiative petitions proposing amendments to the Constitution shall be signed by eight per cent of the legal voters in each of two-thirds of the congressional districts in the state, and petitions proposing laws shall be signed by five per cent of such voters. Every such petition shall be filed with the secretary of state not less than four months before the election and shall contain an enacting clause and the full text of the measure. Petitions for constitutional amendments shall not contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith, and the enacting clause thereof shall be "Be it resolved by the people of the state of Missouri that the Constitution be amended:". Petitions for laws shall contain not more than one subject which shall be expressed clearly in the title, and the enacting clause thereof shall be "Be it enacted by the people of the state of Missouri:".

Sec. 51. Appropriations by initiative—effective date of initiated laws—conflicting laws concurrently adopted.—The initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any other purpose prohibited by this Constitution. Except as provided in this Constitution, any measure proposed shall take effect when approved by a majority of the votes cast thereon. When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail.

Sec. 52(a). Referendum—exceptions—procedure.—A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five per cent of the legal voters

in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

Sec. 52(b). Veto power—elections—effective date.—The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.

Sec. 53. Basis for computation of signatures required.—The total vote for governor at the general election last preceding the filing of any initiative or referendum petition shall be used to determine the number of legal voters necessary to sign the petition. In submitting the same to the people the secretary of state and all other officers shall be governed by general laws.

ARTICLE IV

EXECUTIVE DEPARTMENT

Sec. 1. Executive power—the governor.—The supreme executive power shall be vested in a governor.

Sec. 2. Duties of governor.—The governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state.

Sec. 3. Qualifications of governor.—The governor shall be at least thirty years old and shall have been a citizen of the United States for at least fifteen years and a resident of this state at least ten years next before election.

Sec. 4. Power of appointment to fill vacancies—tenure of appointees.—The governor shall fill all vacancies in public offices unless otherwise provided by law, and his appointees shall serve until their successors are duly elected or appointed and qualified.

Sec. 5. Commissions of state officers.—The governor shall commission all officers unless otherwise provided by law. All commissions shall be issued in the name of the state, signed by the governor, sealed with the Great Seal of the state and attested by the secretary of state.

Sec. 6. Commander-in-chief of militia—authority.—The governor shall be the commander-in-chief of the militia, except when it is called into the service of the United States, and may call out the militia to execute the laws, suppress actual and prevent threatened insurrection, and repel invasion.

Sec. 7. Reprieves, commutations, and pardons—limitations on power.—The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to provisions of law as to the manner of applying for pardons. The power to pardon shall not include the power to parole.

Sec. 8. Concurrent resolutions—duty of governor—exceptions—limitation of effect.—Every resolution to which the concurrence of the senate and house of representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this Constitution, shall be presented to the governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, that no resolution shall have the effect to repeal, extend, or amend any law.

Sec. 9. Governor's messages and recommendations to Assembly—call of extra sessions.—The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the general assembly by proclamation,

wherein he shall state specifically each matter on which action is deemed necessary.

Sec. 10. Lieutenant-governor—qualifications, powers, and duties.—There shall be a lieutenant governor who shall have the same qualifications as the governor and shall be ex officio president of the senate. In committee of the whole he may debate all questions, and shall cast the deciding vote on equal division in the senate and on joint vote of both houses.

Sec. 11. Succession in case of vacancy in office of governor.—If the governor elect die before taking office the lieutenant-governor elect shall take the term of the governor-elect. On the death, conviction or impeachment, failure to qualify, resignation, absence from the state or other disability of the governor, the powers, duties and emoluments of the governor shall devolve upon the lieutenant governor for the remainder of the term or until the disability is removed. If there be no lieutenant governor, or for any of said causes the lieutenant governor is incapable of acting, the president pro tempore of the senate and the speaker of the house in succession shall act as governor until the vacancy is filled or the disability removed.

Sec. 12. Executive department—definition and composition—assignment of agencies to departments.—The executive department shall consist of all state elective and appointive officials and employees except the officials and employees of the legislative and judicial departments. In addition to the governor and lieutenant governor there shall be a state auditor, secretary of state, attorney general, a state treasurer and a department of revenue, department of education, department of highways, department of conservation, department of agriculture and such additional departments, not exceeding five in number, as may hereafter be established by law. Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane.

Sec. 13. State auditor—qualifications and duties—limitation on duties.—The state auditor shall have the same qualifications as the governor. He shall establish appropriate systems of accounting for all public officials of the state, post-audit the accounts of all state agencies and audit the treasury at least once annually. He shall make all other audits and investigations required by law, and shall make an annual report to the governor and general assembly. He shall establish appropriate systems of accounting for the political subdivisions of the state, supervise their budgeting systems, and audit their accounts as provided by law. No duty shall be imposed on him by law which is not related to the supervising and auditing of the receipt and expenditure of public funds.

Sec. 14. Secretary of State—duties—state seal—official register—limitation on duties.—The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri," and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this Constitution.

Sec. 15. State treasurer—duties—custody, investment and deposit of state funds—duties limited.—The state treasurer shall be custodian of all state funds. All revenue collected and moneys received by the state from any source whatsoever shall go promptly into the state treasury, and all interest, income and returns therefrom shall belong to the state. Immediately on receipt thereof the state treasurer shall deposit all moneys in the state treasury to the credit of the state in banking institutions selected by him and approved by the governor and state auditor, and he shall hold them for the benefit of the respective funds to which they belong and disburse them as provided by law. The state treasurer shall determine by the exercise of his best judgment the amount of state moneys that are

not needed for current operating expenses of the state government and shall place all such moneys not needed for payment of the current operating expenses of the state government on time deposit, bearing interest, in banking institutions in this state selected by the state treasurer and approved by the governor and state auditor or in short term United States government obligations maturing and becoming payable one year or less from the date of issue or in other United States obligations maturing and becoming payable not more than one year from the date of purchase. The investment and deposit of such funds shall be subject to such restrictions and requirements as may be prescribed by law. Banking institutions in which state funds are deposited shall give security satisfactory to the governor, state auditor and state treasurer for the safekeeping and payment of the deposits and interest thereon pursuant to deposit agreements made with the state treasurer pursuant to law. No duty shall be imposed on the state treasurer by law which is not related to the receipt, investment, custody and disbursement of state funds.

Sec. 16. Filing of administrative rules and regulations.—All rules and regulations of any board or other administrative agency of the executive department, except those relating to its organization and internal management, shall take effect not less than ten days after the filing thereof in the office of the secretary of state.

Sec. 17. Elective state officers—time of election and terms—limitation on re-election—selection of department heads—removal and qualifications of appointive officers.—The governor, lieutenant governor, secretary of state, state treasurer and attorney general shall be elected at the presidential elections for terms of four years each. The state auditor shall be elected for a term of two years at the general election in the year 1948, and his successors shall be elected for terms of four years. The governor and state treasurer shall not be eligible for election as their own successors. The heads of all the executive departments shall be appointed by the governor, by and with the advice and consent of the senate. All appointive officers may be removed by the governor and shall possess the qualifications required by this Constitution or by law.

Sec. 18. Election returns—board of state canvassers—time of meeting and duties—requirement for election—tie votes.—The returns of every election for governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general shall be sealed and transmitted by the returning officers to the secretary of state, who shall appoint two disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the State Capitol on the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election. The persons having the highest number of votes for the respective offices shall be declared elected, and if two or more persons have an equal and the highest number of votes for the same office, at its next regular session the general assembly, by joint vote and without delay, shall choose one of such persons for the office.

Sec. 19. Department personnel—selection and removal—merit system—veterans' preference.—The head of each department may select and remove all appointees in the department except as otherwise provided in this Constitution, or by law. All employees in the state eleemosynary and penal institutions, and other state employees as provided by law, shall be selected on the basis of merit, ascertained as nearly as practicable by competitive examinations; provided that any honorably discharged member of the armed services of the United States who is a citizen of this state and was such on entering the service, shall have preference in examination and appointment as prescribed by law.

Sec. 20. Location of executive and administrative offices.—The executive and administrative officials and departments herein provided for shall establish their principal offices and keep all necessary public records, books and papers at the City of Jefferson.

Sec. 21. Limitation on changes of salaries—fees, costs, etc.—The officers named in this article shall receive for their services salaries fixed by law, which shall not be increased or diminished

during their terms. After the expiration of the terms of those now in office the officers named shall not receive to their own use any fees, costs, perquisites of office or other compensation, and all fees provided by law for any service performed by them shall be paid in advance into the state treasury.

REVENUE

Sec. 22. Department of Revenue—director of revenue—Division of Collection—Budget—Comptroller—duties and functions.—The department of revenue shall be in charge of a director of revenue, and shall have divisions of collection, budget and comptroller, and other divisions as provided by law. The division of collection shall collect all taxes, licenses and fees payable to the state, except that county and township collectors shall collect the state tax on tangible property until otherwise provided by law. The division of the budget and comptroller shall assist the director of revenue in preparing estimates and information concerning receipts and expenditures of all state agencies as required by the governor and general assembly. The comptroller shall be director of the budget, and shall preapprove all claims and accounts and certify them to the state treasurer for payment.

Sec. 23. Fiscal year—limitations on appropriations—specification of amount and purpose.—The fiscal year of the state and all its agencies shall be the twelve months beginning on the first day of July in each year. The general assembly shall make appropriations for one or two fiscal years, and the 63rd General Assembly shall also make appropriations for the six months ending June 30, 1945. Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose.

Sec. 24. Governor's budget and recommendations as to revenue.—The governor shall, within thirty days after it convenes in each regular session, submit to the general assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the state and a complete and itemized plan of proposed expenditures of the state and all its agencies, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures.

Sec. 25. Limitation of governor's budget on power of appropriation.—Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor.

Sec. 26. Power of partial veto of appropriation bills—procedure—limitations.—The governor may object to one or more items or portions of items of appropriation of money in any bill presented to him, while approving other portions of the bill. On signing it he shall append to the bill a statement of the items or portions of items to which he objects and such items or portions shall not take effect. If the general assembly be in session he shall transmit to the house in which the bill originated a copy of the statement, and the items or portions objected to shall be reconsidered separately. If it be not in session he shall transmit the bill within forty-five days to the office of the secretary of state with his approval or reasons for disapproval. The governor shall not reduce any appropriation for free public schools, or for the payment of principal and interest on the public debt.

Sec. 27. Power of governor to control rate of and reduce expenditures.—The governor may control the rate at which any appropriation is expended during the period of the appropriation by allotment or other means, and may reduce the expenditures of the state or any of its agencies below their appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based.

Sec. 28. Withdrawals from treasury—limitations on authority to incur obligations—certification by comptroller—expiration of appropriations.—No money shall be withdrawn from the state treasury except by warrant drawn in accordance with an appropriation made by law, nor shall any obligation for the payment of money be incurred unless the comptroller certifies it for payment and certifies that the expenditure is within the purpose of the appropriation and that there is in the appropriation an unencumbered balance sufficient to pay it. At the time of issuance each such certification shall be entered on the general accounting books

as an encumbrance on the appropriation. No appropriation shall confer authority to incur an obligation after the termination of the fiscal period to which it relates, and every appropriation shall expire six months after the end of the period for which made.

HIGHWAYS

Sec. 29. Highway Commission—qualifications of members and employees—authority over State highways.—The department of highways shall be in charge of a highway commission. The number, qualifications, compensation and terms of the members of the commission shall be fixed by law, and not more than one-half of its members shall be of the same political party. The selection and removal of all employees shall be without regard to political affiliation. It shall have authority over and power to locate, relocate, design and maintain all state highways; and authority to construct and reconstruct state highways, subject to limitations and conditions imposed by law as to the manner and means of exercising such authority; and authority to limit access to, from and across state highways where the public interest and safety may require, subject to such limitations and conditions as may be imposed by law.

Sec. 30. Source and application of highway funds.—For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes,) less the cost, (1) of collection thereof, (2) of maintaining the commission, (3) of maintaining the highway department, (4) of any workmen's compensation, (5) of the share of the highway department in any retirement program for state employees as may be provided by law, (6) and of administering and enforcing any state motor vehicle laws or traffic regulations, shall be credited to a special fund and stand appropriated without legislative action for the following purposes, and no other:

First, to the payment of the principal and interest on any outstanding state road bonds.

Second, any balance in excess of the amount necessary to meet the payment of the principal and interest of any state road bonds for the next succeeding twelve months shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

- (1) To complete and widen or otherwise improve and maintain the state system of highways heretofore designated and laid out under existing laws;
- (2) To reimburse the various counties and other political subdivisions of the state, except incorporated cities and towns, for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the state as permanent parts of the system of state highways, to the extent of the value to the state of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, except that the commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision to expedite state road construction or improvement;
- (3) In the discretion of the commission to locate, relocate, establish, acquire, construct and maintain the following:
 - (a) supplementary state highways and bridges in each county of the state as hereinafter provided;
 - (b) state highways and bridges in, to and through state parks, public areas and reservations, and state institutions now or hereafter established, and connect the same with the state highways; and also national, state or local parkways, travelways, or tourways, with coordinated facilities;
 - (c) any tunnel or interstate bridge or part thereof,

where necessary to connect the state highways of this state with those of other states;

- (d) any highway within the state when necessary to comply with any federal law or requirement which is or shall become a condition to the receipt of federal funds;
 - (e) any highway in any city or town which is found necessary as a continuation of any state or federal highway, or any connection therewith, into and through such city or town; and
 - (f) additional state highways, bridges and tunnels, outside the corporate limits of cities having a population in excess of 150,000, either in the congested traffic areas of the state or where needed to facilitate and expedite the movement of through traffic.
- (4) To acquire materials, equipment and buildings necessary for the purposes herein described; and
 - (5) For such other purposes and contingencies relating and appertaining to the construction and maintenance of such highways and bridges as the commission may deem necessary and proper.

Sec. 31. State highways in municipalities.—Any state highway authorized herein to be located in any municipality may be constructed without limitations concerning the distance between houses or other buildings abutting such highway or concerning the width or type of construction. The commission may enter into contracts with cities, counties or other political subdivisions for and concerning the maintenance of, and regulation of traffic on any state highway within such cities, counties or subdivision.

Sec. 32. Apportionment of funds for supplementary state highways.—The funds which are allotted by the commission to the construction or acquisition of supplementary state highways and bridges in each of the counties of the state shall be apportioned to the several counties as follows: One-fourth in the ratio that the area of each county bears to the area of the state, one-fourth in the ratio of the population, and two-fourths on such basis as the commission may deem to be for the best interest of highway users; provided the areas and population of cities having a population of 150,000 or more shall not be considered in making such apportionment, and the latest available United States decennial census shall be used; provided further, that if traffic on any supplementary state highway becomes such that a higher type than ordinary supplementary highway construction shall be required, then the commission may construct such higher type and charge such extra cost to unallotted state highway funds. Supplementary state highways shall be selected by mutual agreement of the commission and the local officials having charge of or jurisdiction over roads in the territory through which such supplementary state highways are to be constructed.

Sec. 33. Airports and landing fields.—The commission shall have such authority as may be granted by law to locate, relocate, establish, acquire, construct, maintain and control state public ground facilities for air craft, provided funds therefor, other than the state road funds, are made available.

Sec. 34. Recognition of outstanding bonds—determination, certification, and collection of annual state highway bond tax.—All bonds issued under or recognized by section 44a of article IV of the previous Constitution, which remain unpaid shall be valid obligations of the state and shall be paid according to the tenor thereof. On or before the first day of July of each year the state auditor shall determine the rate of taxation for that year necessary to raise the amount of money needed to pay the principal and interest maturing in the next succeeding year, taking into consideration available funds, delinquencies and the cost of collection. The auditor shall annually certify the rate of taxation so determined to the officer in each county whose duty it is to make up and certify the tax books wherein are extended the state taxes. Said officers shall extend upon the tax books the taxes to be collected and certify the same to the collector of revenue of their respective counties, who shall collect such taxes at the same time and in the same manner and by the same means as are provided by law for the collection of state and county taxes, and pay the same into the state treasury.

Sec. 35. Department of Agriculture—duties of General Assembly.—The general assembly shall provide the department of agriculture with funds adequate for administration of its functions; and shall enact such laws and provide such other appropriations as may be required to protect, foster and develop the agricultural resources of the state.

Sec. 36. Forestry and forest fires.—The general assembly may enact laws to encourage forestry, and prevent and suppress forest fires on private lands.

PUBLIC HEALTH AND WELFARE

Sec. 37. Department of Public Health and Welfare—duties and powers of General Assembly.—The health and general welfare of the people are matters of primary public concern; and to secure them the general assembly shall establish a department of public health and welfare, and may grant power with respect thereto to counties, cities or other political subdivisions of the state.

Sec. 38. Institutions for juvenile delinquents—board of trustees—selection and removal of employees.—All state training schools and industrial homes for boys and girls shall be classified as educational institutions and shall be in charge of a board of six trustees, three from each of the two major political parties, appointed by the governor by and with the advice and consent of the senate. All employees of the board shall be selected and removed as provided for employees in the state eleemosynary institutions.

Sec. 39. Cooperation with federal and other state governments.—In all matters of public welfare the general assembly may provide by law for cooperation with the United States, or other states.

CONSERVATION

Sec. 40(a). Conservation Commission—jurisdiction—number, qualifications, terms, and reimbursement of members—vacancies.—The control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes and the acquisition and establishment thereof, and the administration of all laws pertaining thereto, shall be vested in a conservation commission consisting of four members appointed by the governor, not more than two of whom shall be of the same political party. The members shall have knowledge of and interest in wildlife conservation. The members shall hold office for terms of six years beginning on the first day of July of consecutive odd years. Two of the terms shall be concurrent, one shall begin two years before and one two years after the concurrent terms. If the governor fail to fill a vacancy within thirty days, the remaining members shall fill the vacancy for the unexpired term. The members shall receive no salary or other compensation for their services as members, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

Sec. 40(b). Incumbent members.—The members of the present conservation commission shall serve out the terms for which they were appointed, with all their powers and duties.

Sec. 41. Acquisition of property—eminent domain.—The commission may acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for its purposes, and shall exercise the right of eminent domain as provided by law for the highway commission.

Sec. 42. Director of conservation and personnel of commission.—The commission shall appoint a director of conservation who, with its approval, shall appoint the assistants and other employees deemed necessary by the commission. The commission shall fix the qualifications and salaries of the director and all appointees and employees, and none of its members shall be an appointee or employee.

Sec. 43. Use of revenues and funds of Conservation Commission.—The fees, moneys, or funds arising from the operation and transactions of the commission and from the application and

the administration of the laws and regulations pertaining to the bird, fish, game, forestry and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose.

Sec. 44. Selfenforcibility—enabling clause—repealing clause.—Sections 40-43, inclusive, of this article shall be selfenforcing, and laws not inconsistent therewith may be enacted in aid thereof. All existing laws inconsistent with this article shall no longer remain in force or effect.

Sec. 45. Rules and regulations—filing—review.—The rules and regulations of the commission not relating to its organization and internal management shall become effective not less than ten days after being filed with the Secretary of State as provided in section 16 of this article, and such final rules and regulations affecting private rights as are judicial or quasi-judicial in nature shall be subject to the judicial review provided in section 22 of article V.

Sec. 46. Distribution of rules and regulations.—The commission shall supply to all persons on request, printed copies of its rules and regulations not relating to organization or internal management.

ARTICLE V

JUDICIAL DEPARTMENT

Sec. 1. Judicial power—constitutional courts.—The judicial power of the state shall be vested in a supreme court, courts of appeals, circuit courts, probate courts, the St. Louis courts of criminal correction, the existing courts of common pleas, magistrates courts, and municipal corporation courts.

Sec. 2. Supreme Court—controlling decisions—number of judges—sessions.—The supreme court shall be the highest court in the state. Its jurisdiction shall be coextensive with the state. Its decisions shall be controlling in all other courts. It shall be composed of seven judges, who shall hold their sessions in Jefferson City at times fixed by the court.

Sec. 3. Jurisdiction of the Supreme Court.—The supreme court shall have exclusive appellate jurisdiction in all cases involving the construction of the Constitution of the United States or of this state, the validity of a treaty or statute of the United States, or any authority exercised under the laws of the United States, the construction of the revenue laws of this state, the title to any office under this state, the title to real estate, in all civil cases where the state or any county or other political subdivision of the state or any state officer as such is a party, in all cases of felony, in other classes of cases provided by law, and until otherwise provided by law, in all cases where the amount in dispute, exclusive of costs, exceeds the sum of seventy-five hundred dollars.

Sec. 4. Superintending control of superior over inferior courts—original remedial writs.—The supreme court, courts of appeals, and circuit courts shall have a general superintending control over all inferior courts and tribunals in their jurisdictions, and may issue and determine original remedial writs.

Sec. 5. Rules of practice and procedure—duty of Supreme Court—power of legislature.—The supreme court may establish rules of practice and procedure for all courts. The rules shall not change substantive rights, or the law relating to evidence, the oral examination of witnesses, juries, the right of trial by jury, or the right of appeal. The court shall publish the rules and fix the day on which they take effect, but no rule shall take effect before six months after its publication. Any rule may be annulled or amended by a law limited to the purpose.

Sec. 6. Assignment of judges—authority of Supreme Court.—The supreme court may make temporary transfers of judicial personnel from one court to another as the administration of justice requires, and may establish rules with respect thereto.

Sec. 7. Divisions of Appellate Courts.—The supreme court may sit in banc or in divisions, and courts of appeals may sit in divisions, as the courts may from time to time determine. Each division shall be composed of not less than three judges, at least one of whom shall be a regular judge of the court.

Sec. 8. Chief justice and presiding judges—election—terms—duties.—The supreme court shall elect from their number a chief justice to preside over the court in banc, and each court of appeals shall elect from its number a presiding judge to preside over the court. The terms of the chief justice and presiding judges shall be for four years and until their successors are elected, and they shall perform any other duties prescribed by their respective courts.

Sec. 9. Transfer of causes to Supreme Court in banc.—A cause in the supreme court shall be transferred to the court in banc when the members of a division are equally divided in opinion, or when the division shall so order, or on application of the losing party when a member of the division dissents from the opinion therein, or a federal question is involved, or pursuant to supreme court rule.

Sec. 10. Transfer of causes from Courts of Appeals to Supreme Court—scope of review.—Cases pending in any court of appeals shall be transferred to the supreme court when any member of the court of appeals or any division thereof dissents from the majority opinion and certifies that he deems said opinion to be contrary to any previous decision of the supreme court or of any of the courts of appeals, and may, after opinion, be transferred to the supreme court by order of either the court of appeals or the supreme court because of the general interest or importance of a question involved in the case, or for the purpose of re-examining the existing law, or pursuant to supreme court rule. The supreme court may finally determine all causes coming to it from any court of appeals, whether by certification, transfer or certiorari, the same as on original appeal.

Sec. 11. Venue of appeals—transfer to court having jurisdiction.—In all proceedings reviewable on appeal by the supreme court or a court of appeals, appeals shall go direct to the court having jurisdiction thereof, but want of jurisdiction shall not be ground for dismissal, and the proceeding shall be transferred to the appellate court having jurisdiction thereof.

Sec. 12. Judicial opinions—filing and publication.—The opinions of the supreme court and courts of appeals and all divisions of said courts shall be in writing and filed in the respective causes, and shall become a part of the records of the court and be free for publication.

Sec. 13. Courts of Appeals—number of judges—jurisdiction—sessions.—The courts of appeals shall be composed of three judges each, and shall continue as now established, with appellate jurisdiction coextensive with their districts, the boundaries of which may be changed by law as public convenience may require. They shall have jurisdiction of appeals as provided by law from all inferior courts in their districts except appeals within the exclusive jurisdiction of the supreme court. They shall hold sessions at places provided by law and at times provided by their rules.

Sec. 14. Circuit Courts—jurisdiction—sessions.—The circuit courts shall have jurisdiction over all criminal cases not otherwise provided for by law, exclusive original jurisdiction in all civil cases not otherwise provided for, and concurrent and appellate jurisdiction as provided by law. Such courts shall sit at times and places in each county as prescribed by law.

Sec. 15. Judicial circuits—establishment and changes—authority of judges—general term and divisions.—The state shall be divided into convenient circuits of contiguous counties. In each circuit there shall be at least one judge. The circuits may be changed or abolished by law as public convenience may require, but no judge shall be removed thereby from office during his term. Any circuit judge may sit in any other circuit at the request of a judge thereof. In circuits composed of a single county and having more than one judge, the court may sit in general term or in divisions.

Sec. 16. Probate Courts—jurisdiction.—There shall be a probate court in each county with jurisdiction of all matters pertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors

and persons of unsound mind, settling the accounts of executors, administrators, curators, and guardians, and the sale or leasing of lands by executors, administrators, curators and guardians, and of such other matters as are provided in this Constitution.

Sec. 17. Probate Courts—uniformity—clerks.—Probate courts shall be courts of record and uniform in their organization, jurisdiction and practice, except that a separate clerk may be provided for, or the judge may be required to act ex officio as his own clerk.

Sec. 18. Magistrate Courts—probate judges—number of magistrates—salaries.—There shall be a magistrate court in each county. In counties of 30,000 inhabitants or less, the probate judge shall be judge of the magistrate court. In counties of more than 30,000 and not more than 70,000 inhabitants, there shall be one magistrate. In counties of more than 70,000 and less than 100,000 inhabitants there shall be two magistrates. In counties of 100,000 inhabitants or more there shall be two magistrates, and one additional magistrate for each additional 100,000 inhabitants, or major fraction thereof. According to the needs of justice the foregoing number of magistrates in any county may be increased by not more than two, or such increased number may be decreased, by order of the circuit court on petition, and after hearing on not less than thirty days public notice. The salaries of magistrates shall be paid from the source or sources prescribed by law.

Sec. 19. Magistrate districts—jurisdiction of district magistrates—organized Magistrate Courts.—After each census of the United States the boards of election commissioners, or if none, the county courts, shall divide counties having more than one magistrate into districts of compact and contiguous territory, as nearly equal in population as may be, in each of which one magistrate shall be elected. Each of such magistrates shall have jurisdiction coextensive with the county, and the magistrates may organize into a court or courts with divisions.

Sec. 20. Magistrate courts—jurisdiction, practice, and procedure—juvenile jurisdiction—powers in absence of circuit judges.—Until otherwise provided by law consistent with this Constitution, the practice, procedure, administration and jurisdiction of magistrate courts, and appeals therefrom, shall be as now provided by law for justices of the peace; and in counties of less than seventy thousand inhabitants magistrate courts shall have concurrent juvenile jurisdiction with the circuit court, and the powers of the circuit judge in chambers when the circuit judge is absent from the county.

Sec. 21. Magistrate courts—administration.—The general assembly shall provide for the administration of magistrate courts consistent with this Constitution.

Sec. 22. Judicial review of action of administrative agencies—scope of review.—All final decisions, findings, rules and orders of any administrative officer or body existing under the Constitution or by law, which are judicial or quasi-judicial and affect private rights, shall be subject to direct review by the courts as provided by law; and such review shall include the determination whether the same are authorized by law, and in cases in which a hearing is required by law, whether the same are supported by competent and substantial evidence upon the whole record.

Sec. 23. Terms of judges.—Judges of the supreme court and courts of appeals shall be selected for terms of twelve years, judges of the circuit courts for terms of six years, judges of the probate and magistrate courts and of the St. Louis courts of criminal correction for terms of four years, and all other judges for terms provided by law.

Sec. 24. Salaries and compensation of judges—provision against other special compensation and practice of law—travel and other expenses—fees.—All judges shall receive as salary the total amount of their present compensation until otherwise provided by law, but no judge's salary shall be diminished during his term of office. Until the end of their present terms probate judges shall continue to receive compensation and clerk hire as now provided by law. The salaries of magistrates shall be fixed by law. No judge or magistrate shall receive any other

or additional compensation for any public service, or practice law or do law business, except probate judges during their present terms. Judges may receive reasonable traveling and other expenses allowed by law. The fee of all courts, judges and magistrates shall be paid monthly into the state treasury or to the county paying their salaries.

Sec. 25. Judges—qualifications—age limits—license to practice law—exceptions.—Judges of the supreme court and courts of appeals shall have been citizens of the United States for at least fifteen years, and qualified voters of this state for nine years next preceding their selection. Such judges shall be at least thirty years of age but shall not continue to hold office after attaining seventy five years of age. Judges of the courts of appeals shall be residents of the district of their court. Circuit judges shall have been citizens of the United States for at least ten years, and qualified voters of this state three years next preceding their selection, and be not less than thirty years of age and residents of the circuit. Judges of probate and magistrate courts shall be qualified voters of this state, and residents of the county. Probate judges shall be at least twenty five and magistrates at least twenty two years of age. Every judge and magistrate shall be licensed to practice law in this state, except that probate judges now in office may succeed themselves as probate judges without being so licensed, and except that persons who are now justices of the peace, or who have heretofore been justices of the peace in this state for at least four years, shall be eligible to the office of magistrate without being so licensed.

Sec. 26. Clerks of Appellate and Probate Courts.—Appellate and probate courts shall appoint their own clerks.

Sec. 27. Retirement of judges.—Any judge of a court of record or magistrate who is unable to discharge the duties of his office with efficiency by reason of continued sickness or physical or mental infirmity shall be retired from the office by order of a committee composed of three judges of the supreme court, one judge of each of the courts of appeals, and three circuit judges, elected by the judges of the respective courts, after notice and a fair hearing and on a finding of two-thirds of the committee that the disability is permanent. The judge so retired shall receive one-half his regular compensation until the end of his term of office. The supreme court shall prescribe rules of procedure under this section.

Sec. 28. Juvenile and domestic relations divisions of circuit courts.—In judicial circuits of more than one judge there shall be at least one juvenile and domestic relations division of the court, and in the selection of judges of the circuit one judge shall be selected for the division, in addition to his other duties.

NONPARTISAN SELECTION OF JUDGES

Sec. 29(a). Courts subject to plan—appointments to fill vacancies.—Whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to-wit: the supreme court, the courts of appeals, the circuit and probate courts within the City of St. Louis and Jackson County, and the St. Louis courts of criminal correction, the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided.

Sec. 29(b). Adoption of plan in other circuits.—At any general election the qualified voters of any judicial circuit outside of the City of St. Louis and Jackson County, may by a majority of those voting on the question elect to have the judges of the courts of record therein appointed by the governor in the manner provided for the appointment of judges to the courts designated in Section 29(a). The general assembly may provide the manner in which the question shall be submitted to the voters.

Sec. 29(c) (1). Tenure of judges—declarations of candidacy—form of judicial ballot—rejection and retention.—Each judge appointed pursuant to the provisions of sections 29(a)-(g) shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 29(a)-(g) become applicable to

this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 29(a)-(g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 29(a)-(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limit of his court, or circuit if his office is that of circuit judge, on a separate judicial ballot, without party designation, reading:

"Shall Judge.....
 (Here the name of the judge shall be inserted)
 of the.....
 (Here the title of the Court shall be inserted)
 Court be retained in office? Yes No."
 (Scratch One)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in Section 29(a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Sec. 29(c) (2). Certification of names upon declarations—law applicable to elections.—Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the secretary of state shall not less than thirty days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

Sec. 29(d). Nonpartisan judicial commissions—number, qualification, selection, and terms of members—majority rule—reimbursement of expenses—rules of Supreme Court.—Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 29(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of any court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of sections 29(a)-(g), there shall be one such commission, to be known as "The..... Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of sections 29(a)-(g); the appellate judicial commission shall consist of seven members, one of whom shall be the chief justice of the supreme court, who shall act as chairman, and the remaining six members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission; each circuit judicial commission shall consist of five members, one of whom shall be the presiding judge of the court of appeals of the district within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as chairman, and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as mem-

bers of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the supreme court and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

Sec. 29(e). Payment of expenses.—All expenses incurred in administering sections 29(a)-(g), when approved by the supreme court, shall be paid out of the state treasury. The supreme court shall certify such expense to the state auditor, who shall draw his warrant therefor payable out of funds not otherwise appropriated.

Sec. 29(f). Prohibition of political activity by judges.—No judge of any court of record in this state, appointed to or retained in office in the manner prescribed in sections 29(a)-(g), shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.

Sec. 29(g). Selfenforcibility.—All of the provisions of sections 29(a)-(g) shall be self-enforcing except those as to which action by the general assembly may be required.

ARTICLE VI LOCAL GOVERNMENT

Sec. 1. Recognition of existing counties.—The existing counties are hereby recognized as legal subdivisions of the state.

Sec. 2. Continuation of existing organization of counties.—The existing organization of counties shall continue until further provisions applicable thereto shall be provided, as authorized in this Constitution.

Sec. 3. Consolidation of counties—allocation of liabilities.—Two or more counties may be consolidated by vote of a majority of the qualified electors voting thereon in each county affected, but no such vote shall be taken more than once in five years. The former areas shall be held responsible for their respective outstanding liabilities as provided by law.

Sec. 4. Division or diminution of counties.—No county shall be divided or have any portion stricken therefrom except by vote of a majority of the qualified electors voting thereon in each county affected.

Sec. 5. Dissolution of counties—annexation.—A county may be dissolved by vote of two-thirds of the qualified electors of the county voting thereon, and when so dissolved all or portions thereof may be annexed to the adjoining county or counties as provided by law.

Sec. 6. Removal of county seats.—No county seat shall be removed except by vote of two-thirds of the qualified electors of the county voting thereon at a general election, but no such vote shall be taken more than once in five years.

Sec. 7. County courts—number of members—powers and duties.—In each county not framing and adopting its own charter or adopting an alternative form of county government, there shall be elected a county court of three members which shall manage all county business as prescribed by law, and keep an accurate record of its proceedings. The voters of any county may reduce the number of members to one or two as provided by law.

Sec. 8. Classification of counties—uniform laws.—Provision shall be made by general laws for the organization and classification of counties except as provided in this Constitution. The number of classes shall not exceed four, and the organization and powers of each class shall be defined by

general laws so that all counties within the same class shall possess the same powers and be subject to the same restrictions. A law applicable to any county shall apply to all counties in the class to which such county belongs.

Sec. 9. Alternative forms of county government.—Alternative forms of county government for the counties of any particular class and the method of adoption thereof may be provided by law.

Sec. 10. Terms of city and county offices. The terms of city or county offices shall not exceed four years.

Sec. 11. Compensation of county officers—uniform laws—statement of fees and salaries.—Except in counties which frame, adopt and amend a charter for their own government, the compensation of all county officers shall be prescribed by law uniform in operation in each class of counties. Every such officer shall file a sworn statement in detail, of fees collected and salaries paid to his necessary deputies or assistants, as provided by law.

Sec. 12. Officers compensated only by salaries in certain counties.—All public officers in the City of St. Louis and all state and county officers in counties having 100,000 or more inhabitants, excepting public administrators and notaries public, shall be compensated for their services by salaries only.

Sec. 13. Compensation of officers in criminal matters—fees.—All state and county officers, except constables and justices of the peace, charged with the investigation, arrest, prosecution, custody, care, feeding, commitment, or transportation of persons accused of or convicted of a criminal offense shall be compensated for their official services only by salaries, and any fees and charges collected by any such officers in such cases shall be paid into the general revenue fund entitled to receive the same, as provided by law. Any fees earned by any such officers in civil matters may be retained by them as provided by law.

Sec. 14. Joint participation by counties in common enterprises.—By vote of a majority of the qualified electors voting thereon in each county affected, any contiguous counties, not exceeding ten, may join in performing any common function or service, including the purchase, construction and maintenance of hospitals, alms houses, road machinery and any other county property, and by separate vote may join in the common employment of any county officer or employee common to each of the counties. The county courts shall administer the delegated powers and allocate the costs among the counties. Any county may withdraw from such joint participation by vote of a majority of its qualified electors voting thereon.

Sec. 15. Classification of cities and towns—uniform laws—change from special to special law.—The general assembly shall provide by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The general assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

Sec. 16. Co-operation by local governments with other governmental units.—Any municipality or political subdivision of this state may contract and cooperate with other municipalities or political subdivisions thereof, or with other states or their municipalities or political subdivisions, or with the United States, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service, in the manner provided by law.

Sec. 17. Consolidation and separation as between municipalities and other political subdivisions.—The government of any city, town or village not in a county framing, adopting and amending a charter for its own government, may be consolidated or separated, in whole or in part, with or from that of the county or other political subdivision in which such city, town or village is situated, as provided by law.

SPECIAL CHARTERS

Sec. 18(a). County government by special charter—Limitation.—Any county having more than 85,000 inhabitants, according to the census of the United States, may frame and adopt and amend a charter for its own government as provided in this article, and upon such adoption shall be a body corporate and politic.

Sec. 18(b). Provisions required in county charters.—The charter shall provide for its amendment, for the form of the county government, the number, kinds, manner of selection, terms of office and salaries of the county officers, and for the exercise of all powers and duties of counties and county officers prescribed by the Constitution and laws of the state.

Sec. 18(c). Provisions authorized in county charters—participation by county in government of other local units.—The charter may provide for the vesting and exercise of legislative power pertaining to public health, police and traffic, building construction, and planning and zoning, in the part of the county outside incorporated cities; and it may provide, or authorize its governing body to provide, the terms upon which the county shall perform any of the services and functions of any municipality, or political subdivision in the county, except school districts, when accepted by vote of a majority of the qualified electors voting thereon in the municipality or subdivision, which acceptance may be revoked by like vote.

Sec. 18(d). Taxation under county charters.—The county shall only impose such taxes as it is authorized to impose by the Constitution or by law.

Sec. 18(e). Laws affecting charter counties—limitations.—Laws shall be enacted providing for free and open elections in such counties, and laws may be enacted providing the number and salaries of the judicial officers therein as provided by this Constitution and by law, but no law shall provide for any other office or employee of the county or fix the salary of any of its officers or employees.

Sec. 18(f). Petitions for charter commissions—signatures required—procedure.—Whenever a petition for a commission, signed by qualified electors of the county numbering twenty per cent of the total vote for governor in the county at the last preceding general election, is filed with the county court or other governing body, the officer or body canvassing election returns shall forthwith finally determine the sufficiency thereof and certify the result to the governing body, which shall give immediate written notice of the petition to the circuit and probate judges of the county.

Sec. 18(g). Charter commission—appointment, number, and qualification of members.—Within sixty days thereafter said judges shall appoint a commission to frame the charter, consisting of fourteen freeholders who shall serve without pay and be equally divided between the two political parties casting the greater number of votes for governor at the last preceding general election.

Sec. 18(h). Adoption of charter—special election—manner of submission.—The charter framed by the commission shall take effect on the day fixed therein and shall supersede any existing charter or government, if approved by vote of a majority of the qualified electors of the county voting thereon at a special election held on a day fixed by the commission and not less than thirty days after the completion of the charter nor more than one year from the day of the selection of the commission. The commission may submit for separate vote any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted.

Sec. 18(i). Notice of special charter election.—The body canvassing election returns shall publish notice of the election at least once a week for at least three weeks in at least two newspapers of general circulation in the county, the last publication to be not more than three nor less than two weeks next preceding the election.

Sec. 18(j). Certificates of adoption of charter—recordation and deposit—judicial notice.—Duplicate certificates shall be

made, setting forth the charter adopted and its ratification, signed by the officer or members of the body canvassing election returns; one of such certified copies shall be deposited in the office of the secretary of state and the other, after being recorded in the records of the county, shall be deposited among the archives of the county and all courts shall take judicial notice thereof. This section shall also apply to any amendment to the charter.

Sec. 18(k). Amendments of county charters.—All amendments to such charter approved by the voters shall become a part of the charter at the time and under the conditions fixed in the amendment.

Sec. 18(l). Limitation on resubmission after defeat of charter.—No charter shall be submitted to the electors within the two years next following the election at which a charter was defeated.

Sec. 19. City government by special charter—limitation—procedure to frame and adopt—certification—legal effect—recordation and deposit—judicial notice.—Any city having more than 10,000 inhabitants may frame and adopt a charter for its own government, consistent with and subject to the Constitution and laws of the state, in the following manner. The legislative body of the city may, by ordinance, submit to the voters the question: "Shall a commission be chosen to frame a charter?" If the ordinance takes effect more than sixty days before the next election, the question shall be submitted at such election and if not, then at the next general election thereafter, except as herein otherwise provided. The question shall also be submitted on a petition signed by ten per cent of the qualified electors of the city, filed with the body or official in charge of the city elections. If the petition prays for a special election and is signed by twenty per cent of the qualified electors, a special election shall be held not less than sixty nor more than ninety days after the filing of the petition. The number of electors required to sign any petition shall be based upon the total number of electors voting at the last preceding general city election. The election body or official shall forthwith finally determine the sufficiency of the petition. The question, and the names or the groups of names of the electors of the city who are candidates for the commission, shall be printed on the same ballot without party designation. Candidates for the commission shall be nominated by petition signed by not less than two per cent of the qualified electors voting at the next preceding city election, and filed with the election body or official at least thirty days prior to the election; provided that the signatures of one thousand electors shall be sufficient to nominate a candidate. If a majority of the electors voting on the question vote in the affirmative, the thirteen candidates receiving the highest number of votes shall constitute the commission. **On the death, resignation or inability of any member to serve, the remaining members of the commission shall select the successor. All necessary expenses of the commission shall be paid by the city.** The charter so framed shall be submitted to the electors of the city at an election held at the time fixed by the commission, but not less than thirty days subsequent to the completion of the charter nor more than one year from the date of the election of the commission. The commission may submit for separate vote any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted. If the charter be approved by the voters it shall become the charter of such city at the time fixed therein and shall supersede any existing charter and amendments thereof. Duplicate certificates shall be made, setting forth the charter adopted and its ratification, signed by the chief magistrate of the city, and authenticated by its corporate seal. One of such certified copies shall be deposited in the office of the secretary of state and the other, after being recorded in the records of the city, shall be deposited among the archives of the city and all courts shall take judicial notice thereof. The notice of the election shall be published at least once a week on the same day of the week for at least three weeks in some daily or weekly newspaper of general circulation in the city or county, admitted to the post office as second class matter, regularly and consecutively published for at least three years, and having a list of bona fide subscribers who have voluntarily paid or agreed to pay a stated price for a subscription for a definite period of time, the last publication to be within two weeks of the election.

Sec. 20. Amendment to city charters—procedure to submit and adopt.—Amendments of any city charter adopted under the foregoing provisions may be submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the legislative body of the city or by petition of not less than ten per cent of the registered qualified electors of the city, filed with the body or official having charge of the city elections, setting forth the proposed amendment. The legislative body shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon, shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.

Sec. 21. Reclamation of blighted, substandard, or insanitary areas.—Laws may be enacted, and any city or county operating under a constitutional charter may enact ordinances, providing for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational and other facilities incidental or appurtenant thereto, and for taking or permitting the taking, by eminent domain, of property for such purposes, and when so taken the fee simple title to the property shall vest in the owner, who may sell or otherwise dispose of the property subject to such restrictions as may be deemed in the public interest.

Sec. 22. Laws affecting charter cities—officers and employees.—No law shall be enacted creating or fixing the powers, duties or compensation of any municipal office or employment, for any city framing or adopting its own charter under this or any previous Constitution, and all such offices or employments heretofore created shall cease at the end of the terms of any present incumbents.

FINANCES

Sec. 23. Limitation on ownership of corporate stock, use of credit, and grants of public funds by local governments.—No county, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this Constitution.

Sec. 23(a).—Indebtedness of municipalities in order to acquire properties. By a vote of two-thirds of the qualified electors thereof voting thereon, any city or incorporated town or village within any county in this state which has less than four hundred thousand inhabitants according to the last preceding federal decennial census, may become indebted for and may purchase, construct, extend or improve plants to be leased or otherwise disposed of pursuant to law to private persons or corporations for manufacturing and industrial development purposes, including the real estate, buildings, fixtures and machinery; and the indebtedness incurred hereunder shall not be subject to the provisions of Sections 26(a), 26(b), 26(c), 26(d) and 26(e) of Article VI of this Constitution; provided, such indebtedness incurred hereunder for this purpose shall not exceed ten per cent of the value of taxable tangible property in said city, or incorporated town or village as shown by the last completed assessment for state and county purposes.

Sec. 24. Annual budgets and reports of local government and municipally-owned utilities—audits.—As prescribed by law all counties, cities, other legal subdivisions of the state, and public utilities owned and operated by such subdivisions shall have an annual budget, file annual reports of their financial transactions, and be audited.

Sec. 25. Limitation on use of credit and grant of public funds by local governments—exceptions—pensions for police-

men, firemen, and other employees of certain cities— **benefit funds for educational employees.**—No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation, except that the general assembly may authorize any municipality to provide for the pensioning of the salaried members of its organized police force or fire department and the widows and minor children of the deceased members, and may authorize any city of more than 40,000 inhabitants to provide for the pensioning of other employees, and the widows and minor children of deceased employees, and may also authorize payments from any public funds into a fund or funds for paying benefits upon retirement, disability or death to persons employed and paid out of any public fund for educational services, and to their beneficiaries or estates.

Sec. 26(a). Limitation on indebtedness of local governments without popular vote.—No county, city, incorporated town or village, school district or other political corporation or subdivision of the state shall become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in this Constitution.

Sec. 26(b). Limitation on indebtedness of local government authorized by popular vote.—Any county, city, incorporated town or village or other political corporation or subdivision of the state, by vote of two-thirds of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five per cent of the value of taxable tangible property therein as shown by the last completed assessment for state or county purposes, except that a school district by a vote of two-thirds of the qualified electors voting thereon may become indebted in an amount not to exceed ten per cent of the value of such taxable tangible property.

Sec. 26(c). Additional indebtedness of counties and cities when authorized by popular vote.—Any county or city, by vote of two-thirds of the qualified electors thereof voting thereon, may incur an additional indebtedness for county or city purposes not to exceed five per centum of the taxable tangible property shown as provided in section 26(b).

Sec. 26(d). Additional indebtedness of cities for public improvements—benefit districts—special assessments.—Any city, by vote of two-thirds of the qualified electors thereof voting thereon, may become indebted not exceeding in the aggregate an additional ten per centum of the value of the taxable tangible property shown as provided in section 26(b), for the purpose of acquiring rights of way, constructing, extending and improving the streets and avenues and acquiring rights of way, constructing, extending and improving sanitary or storm sewer systems. The governing body of the city may provide that any portion or all of the cost of any such improvement be levied and assessed by the governing body on property benefited by such improvement, and the city shall collect any special assessments so levied and shall use the same to reimburse the city for the amount paid or to be paid by it on the bonds of the city issued for such improvement.

Sec. 26(e). Additional indebtedness of cities for municipally-owned water and light plants—limitations.—Any city, by vote of two-thirds of the qualified electors thereof voting thereon, may incur an indebtedness in an amount not to exceed an additional ten per centum of the value of the taxable tangible property shown as provided in section 26(b), for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city, provided the total general obligation indebtedness of the city shall not exceed twenty per centum of the assessed valuation.

Sec. 26(f). Annual tax to pay and retire obligations within twenty years.—Before incurring any indebtedness every county, city, incorporated town or village, school district, or other political corporation or subdivision of the state shall provide for the collection of an annual tax on all taxable tangible property therein sufficient to pay the interest and principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted.

Sec. 26(g). Contest of elections to authorize indebtedness. All elections under this article may be contested as provided by law.

Sec. 27. Revenue bonds for municipally-owned utilities.—Any city or incorporated town or village in this state, by vote of four-sevenths of the qualified electors thereof voting thereon, may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any of the following: (1) revenue producing water, gas or electric light works, heating or power plants; (2) plants to be leased to private persons or corporations for manufacturing and industrial development purposes, including the real estate, buildings, fixtures and machinery; or (3) airports; to be owned exclusively by the municipality, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality from the operation of the utility or the lease of the plant.

Sec. 28. Refunding bonds.—For the purpose of refunding, extending, and unifying the whole or any part of its valid bonded indebtedness any county, city, school district, or other political corporation or subdivision of the state, under terms and conditions prescribed by law may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding bonds. The governing authority shall provide for the payment of interest at not to exceed the same rate, and the principal of such refunding bonds, in the same manner as was provided for the payment of interest and principal of the bonds refunded.

Sec. 29. Application of funds derived from public debts.—The moneys arising from any loan, debt, or liability contracted by the state, or any county, city, or other political subdivision, shall be applied to the purposes for which they were obtained, or to the repayment of such debt of liability, and not otherwise.

CITY AND COUNTY OF ST. LOUIS

Sec. 30(a). Powers conferred with respect to intergovernmental relations—procedure for selection of board of freeholders.—The people of the city of St. Louis and the people of the county of St. Louis shall have power (1) to consolidate the territories and governments of the city and county into one political subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the county governments of the city and county, and adjust their relations as thus united, and thereafter the city may extend its limits in the manner provided by law for other cities; or, (3) to enlarge the present or future limits of the city by annexing thereto part of the territory of the county, and to confer upon the city exclusive jurisdiction of the territory so annexed to the city; or, (4) to establish a metropolitan district or districts for the functional administration of services common to the area included therein. The power so given shall be exercised by the vote of the people of the city and county upon a plan prepared by a board of freeholders consisting of nineteen members, nine of whom shall be electors of the city and nine electors of the county and one an elector of some other county. Upon the filing with the officials in general charge of elections in the city of a petition proposing the exercise of the powers hereby granted, signed by registered voters of the city in such number as shall equal three per cent of the total vote cast in the city at the last general election for governor, and the certification thereof by the election officials to the mayor, and to the governor, then, upon the call of the mayor within ten days after the certification the mayor and the judges of the circuit court of the city shall assemble in joint session at the city hall of the city, and proceed to appoint the city's nine members of the board, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate certifying his appointment signed by the mayor and attested by the seal of the city. Upon the filing with the officials in general charge of elections in the county of a similar petition signed by registered voters of the county, in such number as shall equal three per cent of the total vote cast in the county at the last general election for governor, and the certification thereof by the county election officials to the presiding judge of the circuit court of the county and

to the governor, the judges of the circuit court, probate court and county court, or other governing body, of the county within ten days after said certification, and upon the call of the presiding judge, shall assemble in joint session at the court house of the county, and appoint the county's nine members of the board, not more than five of whom shall be members of or affiliated with the same political party. Each member so appointed shall be given a certificate of his appointment signed by said presiding judge and attested by the seal of said circuit court.

Sec. 30(b). Appointment of member by governor—meetings of board—vacancies—compensation and reimbursement of members—preparation of plan—taxation of real estate affected—submission at special elections—effect of adoption—certification and recordation—judicial notice.—Upon certification of the filing of such similar petitions by the officials in general charge of elections of the city and the county, the governor shall appoint one member of the board who shall be a resident of the state, but shall not reside in either the city or the county, who shall be given a certificate of his appointment signed by the governor and attested by the seal of the state. The freeholders of the city and county shall fix reasonable compensation and expenses for the freeholder appointed by the governor and the cost shall be paid equally by the city and county. The appointment of the board shall be completed within thirty days after the certification of the filing of the petition, and at ten o'clock on the second Monday after their appointment of the members of the board shall meet in the chamber of the board of aldermen in the city hall of the city and shall proceed with the discharge of their duties, and shall meet at such other times and places as shall be agreed upon. On the death, resignation or inability of any member of the board to serve, the appointing authority shall select the successor. The board shall prepare and propose a plan for the execution of the powers herein granted and for the adjustment of all matters and issues arising thereunder. The members of the board shall receive no compensation for their services as members, but the necessary expenses of the board shall be paid one-half by the county and one-half by the city on vouchers signed by the chairman of the board. The plan shall be signed in duplicate by the board or a majority thereof, and one copy shall be returned to the officials having general charge of elections in the city, and the other to such officials in the county, within one year after the appointment of the board. Said election officials shall cause separate elections to be held in the city and county, on the day fixed by the freeholders, at which the plan shall be submitted to the qualified voters of the city and county separately. The elections shall not be less than ninety days after the filing of the plan with said officials, and not on or within seventy days of any state or county primary or general election day in the city or county. The plan shall provide for the assessment and taxation of real estate in accordance with the use to which it is being put at the time of the assessment, whether agricultural, industrial or other use, giving due regard to the other provisions of this Constitution. If a majority of the qualified electors of the city voting thereon, and a majority of the qualified electors of the county voting thereon at the separate elections shall vote for the plan, then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter provisions and ordinances inconsistent therewith relating to said territory. If the plan be adopted, copies thereof, certified to by said election officials of the city and county, shall be deposited in the office of the secretary of state and recorded in the office of the recorder of deeds for the city, and in the office of the recorder of deeds of the present county, and the courts of this state shall take judicial notice thereof.

CITY OF ST. LOUIS

Sec. 31. Recognition of city of St. Louis as now existing.—The city of St. Louis, as now existing, is recognized both as a city and as a county unless otherwise changed in accordance with the provisions of this Constitution. As a city it shall continue for city purposes with its present charter, subject to changes and amendments provided by the Constitution or by law, and with the powers, organization, rights and privileges permitted by this Constitution or by law.

Sec. 32(a). Amendment of charter of St. Louis.—The charter of the city of St. Louis now existing, or as hereafter amended or revised, may be amended from time to time by proposals therefor submitted by the law-making body of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and accepted by three-fifths of the qualified electors voting for or against each of said amendments so submitted. Any such amendments so accepted shall take effect immediately, except as therein otherwise provided.

Sec. 32(b). Revision of charter of St. Louis.—The law-making body of the city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new or revised charter of the city, which shall be in harmony with the Constitution and laws of the state, and shall provide, among other things for a chief executive and a house or houses of legislation to be elected by general ticket or by wards. Such new or revised charter shall be submitted to the qualified voters of the city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority of the qualified voters voting at the election ratify the new or revised charter, then said charter shall become the organic law of the city and shall take effect, except as otherwise therein provided, sixty days thereafter, and supersede the old charter of the city and amendments thereto.

Sec. 33. Certification, recordation, and deposit of amendments and revised charter—judicial notice.—Copies of any new or revised charter of the City of St. Louis or of any amendments to the present, or to any new or revised charter, with a certificate thereto appended, signed by the chief executive and authenticated by the seal of the city, setting forth the submission to and ratification thereof, by the qualified voters of the city shall be made in duplicate, one of which shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the recorder of deeds of the city, shall be deposited among the archives of the city, and thereafter all courts of this state shall take judicial notice thereof.

ARTICLE VII

PUBLIC OFFICERS

Sec. 1. Impeachment—officers liable—grounds.—All elective executive officials of the state, and judges of the supreme courts, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

Sec. 2. Power of impeachment—trial of impeachments.—The house of representatives shall have the sole power of impeachment. All impeachments shall be tried before the supreme court, except that the governor or a member of the supreme court shall be tried by a special commission of seven eminent jurists to be elected by the senate. The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court of special commission.

Sec. 3. Effect of judgment of impeachment.—Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

Sec. 4. Removal of officers not subject to impeachment.—Except as provided in this Constitution, all officers not subject to impeachment shall be subject to removal from office in the manner and for the causes provided by law.

Sec. 5. Election contests—executive state officers—other election contests.—Contested elections for governor, lieutenant-governor and other executive state officers shall be had before the supreme court in the manner provided by law, and the court may appoint one or more commissioners to hear the testimony. The trial and determination of contested elections of all other public officers in the state, shall be by courts of law, or by one or more of the judges thereof. The general as-

sembly shall designate by general law the court or judge by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto; but no law assigning jurisdiction or regulating its exercise shall apply to the contest of any election held before the law takes effect.

Sec. 6. Penalty for nepotism.—Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.

Sec. 7. Appointment of officers.—Except as provided in this Constitution, the appointment of all officers shall be made as prescribed by law.

Sec. 8. Qualifications for public office—nonresidents.—No person shall be elected or appointed to any civil or military office in this state who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment, except that the residence in this state shall not be necessary in cases of appointment to administrative positions requiring technical or specialized skill or knowledge.

Sec. 9. Disqualification by federal employment—exceptions.—No person holding an office of profit under the United States shall hold any office of profit in this state, members of the organized militia or of the reserve corps excepted.

Sec. 10. Equality of sexes in public service.—No person shall be disqualified from holding office in this state because of sex.

Sec. 11. Oath of office.—Before taking office, all civil and military officers in this state shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean themselves faithfully in office.

Sec. 12. Tenure of office.—Except as provided in this Constitution, and subject to the right of resignation, all officers shall hold office for the term thereof, and until their successors are duly elected or appointed and qualified.

Sec. 13. Limitation on increase of compensation and extension of terms of office.—The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended.

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Sec. 1. Time of general elections.—The general election shall be held on the Tuesday next following the first Monday in November of each even year, unless a different day is fixed by law, two-thirds of all members of each house assenting.

Sec. 2. Qualifications of voters—disqualifications.—All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one who have resided in this state one year, and in the county, city or town sixty days next preceding the election at which they offer to vote, are entitled to vote at all elections by the people. Citizens of the United States who are otherwise qualified to vote under this section and who have resided in this state sixty days or more, but less than one year, prior to the date of a presidential election may be permitted by law to vote for presidential and vice presidential electors at such election but for no other officers. No idiot, no person who has a guardian of his or her estate or person and no person while kept in any poorhouse at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting. All persons voting for the presidential and vice presidential electors under the sixty day resident provision shall sign an affidavit as to their eligibility to vote under said section, and any person who falsifies said affidavit shall, upon conviction, be deemed guilty of a felony.

Sec. 3. Methods of voting—numbering and recording ballots—secrecy of ballot—exceptions.—All elections by the people shall be by ballot or by any mechanical method prescribed by law. Every ballot voted shall be numbered in the order received and its number recorded by the election officers on the list of voters

opposite the name of the voter. All election officers shall be sworn or affirmed not to disclose how any voter voted: Provided, that in cases of contested elections, grand jury investigations and in the trial of all civil or criminal cases in which the violation of any law relating to elections, including nominating elections, is under investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, compared with the list of voters and received as evidence.

Sec. 4. Privilege of voters from arrest—exceptions.—Voters shall be privileged from arrest while going to, attending and returning from elections, except in cases of treason, felony or breach of the peace.

Sec. 5. Registration of voters.—Registration of voters may be provided for by law.

Sec. 6. Retention of residence for voting purposes.—For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military service of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning, or kept in a poor house or other asylum at public expense, or confined in public prison.

Sec. 7. Absentee voting.—Qualified electors of the state who are absent, whether within or without the state, may be enabled by general law to vote at all elections by the people.

ARTICLE IX

EDUCATION

Sec. 1(a). Free public schools—age limit—separate schools.—A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law. Separate schools shall be provided for white and colored children, except in cases otherwise provided for by law.

Sec. 1(b). Specific schools—adult education.—Specific schools for any contiguous territory may be established by law. Adult education may be provided from funds other than ordinary school revenues.

Sec. 2(a). State Board of Education—number and appointment of members—political affiliation—terms—reimbursement and compensation.—The supervision of instruction in the public schools shall be vested in a state board of education, consisting of eight lay members appointed by the governor, by and with the advice and consent of the senate; provided, that at no time shall more than four members be of the same political party. The term of office of each member shall be eight years, except the terms of the first appointees shall be from one to eight years, respectively. While attending to the duties of their office members shall be entitled to receive only actual expenses incurred, and a per diem fixed by law.

Sec. 2(b). Commissioner of education—qualification, duties, and compensation—appointment and compensation of professional staff—powers and duties of State Board of Education.—The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. The board shall succeed the State Board of Education heretofore established, with all its powers and duties, and shall have such other powers and duties as may be prescribed by law.

Sec. 3(a). Payment and distribution of appropriations and income.—All appropriations by the state for the support of free public schools and the income from the public school fund shall be paid at least annually and distributed according to law.

Sec. 3(b). Deficiency in provision for eight-month school

year—allotment of state revenue for school purposes.—In event the public school fund provided and set apart by law for the support of free public schools, shall be insufficient to sustain free schools at least eight months in every year in each school district of the state, the general assembly may provide for such deficiency; but in no case shall there be set apart less than twenty-five per cent of the state revenue, exclusive of interest and sinking fund, to be applied annually to the support of the free public schools.

Sec. 3(c). Racial discrimination in employment of teachers.—No school district which permits differences in wages of teachers having the same training and experience because of race or color, shall receive any portion of said revenue or fund.

Sec. 4. Public-School and Seminary Funds—certificates of indebtedness—renewals—liquidation—legal investment of funds—tax levy for interest.—All certificates of indebtedness of the state to the Public School Fund and to the Seminary Fund are hereby confirmed as sacred obligations of the state to said funds, and they shall be renewed as they mature for such time and at such rate of interest as may be provided by law. The general assembly may provide at any time for the liquidation of said certificates, but all funds derived from such liquidation, and all other funds hereafter accruing to said state school or state seminary funds, except the interest on same, shall be invested only in registered bonds of the United States or the state, bonds of school districts of the state, or bonds or other securities payment of which are fully guaranteed by the United States, of not less than par value. The general assembly may levy an annual tax sufficient to pay the accruing interest of all state certificates of indebtedness.

Sec. 5. Public-School Fund—sources—payment into state treasury—investment—limitation on use of income.—The proceeds of all certificates of indebtedness due the state school fund, and all moneys, bonds, lands, and other property belonging to or donated to any state fund for public school purposes, and the net proceeds of all sales of lands and other property and effects that may accrue to the state by escheat, shall be paid into the state treasury, and securely invested under the supervision of the state board of education, and sacredly preserved as a public school fund the annual income of which shall be faithfully appropriated for establishing and maintaining free public schools, and for no other uses or purposes whatsoever.

Sec. 6. Seminary Fund—sources—payment into state treasury—investment—limitation on use of income.—The proceeds of all certificates of indebtedness due the Seminary Fund, the net proceeds of all sales of lands granted to the state for the benefit of the State University with its several divisions, as provided by law, and all gifts, grants, bequests, or devises to said Seminary Fund for the benefit of the University, and not otherwise appropriated by the terms of any such gift, grant, bequest or devise, shall be paid into the state treasury, and securely invested by the board of curators of the State University and sacredly preserved as a Seminary Fund, the annual income of which shall be faithfully appropriated for maintenance of the State University, and for no other uses or purposes whatsoever.

Sec. 7. County and township school funds—liquidation and reinvestment—optional distribution on liquidation—annual distribution of income and receipts.—All real estate, loans and investments now belonging to the various county and township school funds, except those invested as herein-after provided, shall be liquidated without extension of time, and the proceeds thereof and the money on hand now belonging to said school funds of the several counties and the city of St. Louis, shall be reinvested in registered bonds of the United States, or in bonds of the state or in approved bonds of any city or school district thereof, or in bonds or other securities the payment of which are fully guaranteed by the United States, and sacredly preserved as a county school fund. Any county or the city of St. Louis by a majority vote of the qualified electors voting thereon may elect to distribute annually to its schools the proceeds of the liquidated school fund, at the time and in the manner prescribed by law. All interest accruing from investment of the county school fund, the clear proceeds of all penalties, forfeitures and fines collected hereafter for any breach of the penal laws of the state, the net proceeds from the

sale of estrays, and all other moneys coming into said funds shall be distributed annually to the schools of the several counties according to law.

Sec. 8. Prohibition of public aid for religious purposes and institutions.—Neither the general assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any county, city, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever.

Sec. 9(a). State university—government by board of curators—number and appointment.—The government of the State University shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the senate.

Sec. 9(b). Maintenance of state university and other educational institutions.—The general assembly shall adequately maintain the State University and such other educational institutions as it may deem necessary.

Sec. 10. Free public libraries—declaration of policy—state aid to local public libraries.—It is hereby declared to be the policy of the state to promote the establishment and development of free public libraries and to accept the obligation of their support by the state and its subdivisions and municipalities in such manner as may be provided by law. When any such subdivision or municipality supports a free library, the general assembly shall grant aid to such public library in such manner and in such amounts as may be provided by law.

ARTICLE X

TAXATION

Sec. 1. Taxing power—exercise by state and local governments.—The taxing power may be exercised by the general assembly for state purposes, and by counties and other political subdivisions under power granted to them by the general assembly for county, municipal and other corporate purposes.

Sec. 2. Inalienability of power to tax.—The power to tax shall not be surrendered, suspended or contracted away, except as authorized by this Constitution.

Sec. 3. Limitation of taxation to public purposes—uniformity—general laws—time for payment of taxes—valuation.—Taxes may be levied and collected for public purposes only, and shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. All taxes shall be levied and collected by general laws and shall be payable during the fiscal or calendar year in which the property is assessed. Except as otherwise provided in this Constitution, the methods of determining the value of property for taxation shall be fixed by law.

Sec. 4(a). Classification of taxable property—taxes on franchises, incomes, excises, and licenses.—All taxable property shall be classified for tax purposes as follows: Class 1, real property; Class 2, tangible personal property; Class 3, intangible personal property. The general assembly, by general law, may provide for further classification within Classes 2 and 3, based solely on the nature and characteristics of the property, and not on the nature, residence or business of the owner, or the amount owned. Nothing in this section shall prevent the taxing of franchises, privileges or incomes, or the levying of excise or motor vehicle license taxes, or any other taxes of the same or different types.

Sec. 4(b). **Basis of assessment of tangible property—taxation of intangibles—limitation.**—Property in Classes 1 and 2 and subclasses of Class 2, shall be assessed for tax purposes as its value or such percentage of its value as may be fixed by law for each class and for each subclass of Class 2. Property in Class 3 and its subclasses shall be taxed only to the extent authorized and at the rate fixed by law for each class and subclass, and the tax shall be based on the annual yield and shall not exceed eight per cent thereof.

Sec. 4(c). **Assessment, levy, collection, and distribution of tax on intangibles.**—All taxes on property in Class 3 and its subclasses, and the tax under any other form of taxation substituted by the general assembly for the tax on bank shares, shall be assessed, levied and collected by the state and returned as provided by law, less two per cent for collection, to the counties and other political subdivisions of their origin, in proportion to the respective local rates of levy.

Sec. 5. **Taxation of railroads.**—All railroad corporations in this state, or doing business therein, shall be subject to taxation for state, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

Sec. 6. **Exemptions from taxation.**—All property, real and personal, of the state, counties and other political subdivisions, and non-profit cemeteries, shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies may be exempted from taxation by general law. All laws exempting from taxation property other than the property enumerated in this article, shall be void.

Sec. 7. **Relief from taxation—forest lands—obsolete, decadent, or blighted areas—limitations.**—For the purpose of encouraging forestry when lands are devoted exclusively to such purpose, and the reconstruction, redevelopment and rehabilitation of obsolete, decadent or blighted areas, the general assembly by general law, may provide for such partial relief from taxation of the lands devoted to any such purpose, and of the improvements thereon, by such method or methods, for such period or periods of time, not exceeding twenty-five years in any instance, and upon such terms, conditions, and restrictions as it may prescribe.

Sec. 8. **Limitation on state tax rate on tangible property.**—The state tax on real and tangible personal property, exclusive of the tax necessary to pay any bonded debt of the state, shall not exceed ten cents on the hundred dollars assessed valuation.

Sec. 9. **Immunity of private property from sale for municipal debts.**—Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Sec. 10(a). **Exclusion of state from local taxation for local purposes.**—Except as provided in this Constitution, the general assembly shall not impose taxes upon counties or other political subdivisions or upon the inhabitants or property thereof for municipal, county or other corporate purposes.

Sec. 10(b). **State aid for local purposes.**—Nothing in this Constitution shall prevent the enactment of general laws directing the payment of funds collected for state purposes to counties or other political subdivisions as state aid for local purposes.

Sec. 11(a). **Taxing jurisdiction of local governments—limitation on assessed valuation.**—Taxes may be levied by counties and other political subdivisions on all property subject to their taxing power, but the assessed valuation therefor in such other political subdivisions shall not exceed the assessed valuation of the same property for state and county purposes.

Sec. 11(b). **Limitations on local tax rates.**—Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

For municipalities—one dollar on the hundred dollars assessed valuation;

For counties—thirty-five cents on the hundred dollars assessed valuation in counties having three hundred million dollars, or more,

assessed valuation, and fifty cents on the hundred dollars assessed valuation in all other counties;

For school districts formed of cities and towns—one dollar on the hundred dollars assessed valuation, except that in the city of St. Louis the annual rate shall not exceed eighty-nine cents on the hundred dollars assessed valuation;

For all other school districts—sixty-five cents on the hundred dollars assessed valuation.

Sec. 11(c). **Increase of tax rate by popular vote—further limitation by law—exceptions to limitation.**—In all municipalities, counties and school districts the rates of taxation as herein limited may be increased for their respective purposes for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the qualified electors voting thereon shall vote therefor; provided in school districts the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed one year, when the rate period of levy and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor; provided in school districts in cities of seventy-five thousand inhabitants or over the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed two years, when the rate period of levy and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor; provided, that the rates herein fixed, and the amounts by which they may be increased, may be further limited by law; and provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for library, hospital, public health, recreation grounds and museum purposes.

Sec. 11(d). **Tax rate in St. Louis for county purposes.**—The city of St. Louis may levy for county purposes, in addition to the municipal rates herein provided, a rate not exceeding the rate allowed for county purposes.

Sec. 11(e). **Exclusion of bonded debt from limitations on tax rates.**—The foregoing limitations on rates shall not apply to taxes levied for the purpose of paying any bonded debt.

Sec. 11(f). **Authorization of local taxes other than ad valorem taxes.**—Nothing in this constitution shall prevent the enactment of any general law permitting any county or other political subdivision to levy taxes other than *ad valorem* taxes for its essential purposes.

Sec. 12(a). **Additional tax rates for county roads and bridges—road districts.**—In addition to the rates authorized in section 11 for county purposes, the county court in the several counties not under township organization, the township board of directors in the counties under township organization, and the proper administrative body in counties adopting an alternative form of government, may levy an additional tax, not exceeding thirty-five cents on each hundred dollars assessed valuation, all of such tax to be collected and turned in to the county treasury to be used for road and bridge purposes. In addition to the above levy for road and bridge purposes, it shall be the duty of the county court, when so authorized by a majority of the qualified electors of any road district, general or special, voting thereon at an election held for such purpose, to make an additional levy of not to exceed thirty-five cents on the hundred dollars assessed valuation on all taxable real and tangible personal property within such district, to be collected in the same manner as state and county taxes, and placed to the credit of the road district authorizing such levy, such election to be called and held in the manner provided by law.

Sec. 12(b). **Refund of road and bridge taxes.**—Nothing in this section shall prevent the refund of taxes collected hereunder to cities and towns for road and bridge purposes.

Sec. 13. **Tax sales—limitations—contents of notices.**—No real property shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale shall contain the names of all record owners thereof, or the names of all owners appearing on the land tax book, and all other information required by law.

Sec. 14. **Equalization commission—appointment—duties.**

—The general assembly shall establish a commission, to be appointed by the governor by and with the advice and consent of the senate, to equalize assessments as between counties and, under such rules as may be prescribed by law, to hear appeals from local boards in individual cases and, upon such appeal, to correct any assessment which is shown to be unlawful, unfair, arbitrary or capricious. Such commission shall perform all other duties prescribed by law.

Sec. 15. Definition of "other political subdivision."—The term "other political subdivision," as used in this article, shall be construed to include townships, cities, towns, villages, school, road, drainage, sewer and levee districts and any other public subdivision, public corporation or public quasi-corporation having the power to tax.

ARTICLE XI CORPORATIONS

Sec. 1. Definition of "corporation."—The term "corporation," as used in this article, shall be construed to include all joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships.

Sec. 2. Organization of corporations by general law—special laws relating to corporations—invalidation of unexercised charters and franchises.—Corporations shall be organized only under general laws. No corporation shall be created, nor shall any existing charter be extended or amended by special law; nor shall any law remit the forfeiture of any charter granted by special act. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization was not completed, and business was not being done in good faith at the adoption of this Constitution, shall thereafter have no validity.

Sec. 3. Exercise of police power with respect to corporations.—The exercise of the police power of the state shall never be surrendered, abridged, or construed to permit corporations to infringe the equal rights of individuals, or the general well-being of the state.

Sec. 4. Corporations subject to eminent domain—trial by jury.—The exercise of the power and right of eminent domain shall never be construed or abridged to prevent the taking by law of the property and franchises of corporations and subjecting them to public use. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when the rights of any corporation are affected by any exercise of said power of eminent domain.

Sec. 5. Prohibition of ultra vires acts—limitations on holding of real estate.—No corporation shall engage in business other than that expressly authorized in its charter or by law, nor shall it hold any real estate except such as is necessary and proper for carrying on its legitimate business; provided, that any corporation may hold, for ten years and for such longer period as may be provided by general law, real estate acquired in payment of a debt, by foreclosure or otherwise, and real estate exchanged therefor.

Sec. 6. Cumulative voting—exceptions.—In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of shares held by him, multiplied by the number of directors or managers to be elected, and may cast the whole number of votes, either in person or by proxy for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner; provided, that this section shall not apply to co-operative associations, societies or exchanges organized under the law.

Sec. 7. Consideration for corporate stock and debts—fictitious issues—antecedent debts—increases of stock or bonds—issuance of preferred stock.—No corporation shall issue stock, or bonds or other obligations for the payment of money, except for money paid, labor done or property actually received; and all fictitious issues or increases of stock or indebtedness shall be void; provided, that no such issue or increase made for valid

bona fide antecedent debts shall be deemed fictitious or void. The stock or bonded indebtedness of corporation shall not be increased nor shall preferred stock be issued, except according to general law.

Sec. 8. Limitation of liability of stockholders.—No stockholder or subscriber to stock of a corporation shall be individually liable in any amount in excess of the amount originally subscribed on such stock.

RAILROADS

Sec. 9. Public highways—common carriers—regulation.—All railways in this state are hereby declared public highways, and railroad corporations common carriers. Laws shall be enacted to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on all railroads in this state.

Sec. 10. Consolidation of domestic with foreign railroad corporations—jurisdiction of Missouri courts—notice of consolidation.—If any railroad corporation organized under the laws of this state shall consolidate by sale or otherwise, with any railroad corporation organized under the laws of any other state, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this state shall retain jurisdiction in all matters which may arise as if said consolidation had not taken place. No consolidation shall take place, except upon at least sixty days public notice to all stockholders, in the manner provided by law.

Sec. 11. Local consent for street railroads.—No law shall grant the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway, and the franchises so granted shall not be transferred without similar assent first obtained.

Sec. 12. Prohibition of discrimination, favoritism, and preferences.—No discrimination in charges or facilities in transportation shall be made between transportation corporations and individuals, or in favor of either, by abatement, drawback or otherwise; and no common carrier, or any lessee, manager or employee thereof, shall make any preference in furnishing cars or motive power.

BANKS

Sec. 13. Exclusion of state from banking.—No state bank shall be created, nor shall the state own or be liable for any stock in any corporation, joint stock company, or association for banking purposes.

ARTICLE XII AMENDING THE CONSTITUTION

Sec. 1. Limitation on revision and amendment.—This Constitution may be revised and amended only as therein provided.

Sec. 2(a). Proposal of amendments by General Assembly.—Constitutional amendments may be proposed at any time by a majority of the members elect of each house of the general assembly, the vote to be taken by yeas and nays and entered on the journal.

Sec. 2(b). Submission of amendments proposed by General Assembly or by the initiative.—All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this Constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of

any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 3(a). Referendum on constitutional convention—qualifications of delegates—selection of nominees for district delegates and delegates-at-large election procedure.—At the general election on the first Tuesday following the first Monday in November 1962, and every twenty years thereafter, the secretary of state shall, and at any general or special election the general assembly by law may, submit to the electors of the state the question "Shall there be a convention to revise and amend the Constitution?". The question shall be submitted on a separate ballot without party designation, and if a majority of the votes cast thereon is for the affirmative, the governor shall call an election of delegates to the convention on a day not less than three nor more than six months after the election on the question. At the election the electors of the state shall elect fifteen delegates-at-large and the electors of each state senatorial district shall elect two delegates. Each delegate shall possess the qualifications of a senator; and no person holding any other office of trust or profit (officers of the organized militia, school directors, justices of the peace and notaries public excepted) shall be eligible to be elected a delegate. To secure representation from different political parties in each senatorial district, in the manner prescribed by its senatorial district committee each political party shall nominate but one candidate for delegate from each senatorial district, the certificate of nomination shall be filed in the office of the secretary of state at least thirty days before the election, each candidate shall be voted for on a separate ballot bearing the party designation, each elector shall vote for but one of the candidates, and the two candidates receiving the highest number of votes in each senatorial district shall be elected. Candidates for delegates-at-large shall be nominated by nominating petitions only, which shall be signed by electors of the state equal to five per cent of the legal voters in the senatorial district in which the candidate resides until otherwise provided by law, and shall be verified as provided by law for initiative petitions, and filed in the office of the secretary of state at least thirty days before the election. All such candidates shall be voted for on a separate ballot without party designation, and the fifteen receiving the highest number of votes shall be elected. Not less than fifteen days before the election, the secretary of state shall certify to the county clerk of the county the name of each person nominated for the office of delegate from the senatorial district in which the county, or any part of it, is included, and the names of all persons nominated for delegates-at-large.

Sec. 3(b). Convention of delegates—quarters—oath—compensation—quorum—vote required—organization, employees, printing, etc.—public sessions—rules—vacancies.—The delegates so elected shall be convened at the seat of government by proclamation of the governor within six months after their election. The facilities of the legislative chambers and legislative quarters shall be made available for the convention and the delegates. Upon convening all delegates shall take an oath or affirmation to support the Constitution of the United States and of the state of Missouri, and to discharge faithfully their duties as delegates to the convention, and shall receive for their services the sum of ten dollars per diem and mileage as provided by law for members of the general assembly. A majority of the delegates shall constitute a quorum for the transaction of business, and no Constitution or amendment to this Constitution shall be submitted to the electors for approval or rejection unless by the assent of a majority of all the delegates

elect, the yeas and nays being entered on the journal. The convention may appoint such officers, employees and assistants as it may deem necessary, fix their compensation, provide for the printing of its documents, journals, proceedings and a record of its debates, and appropriate money for the expenditures incurred. The sessions of the convention shall be held with open doors, and it shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its delegates. In case of a vacancy by death, resignation or other cause, the vacancy shall be filled by the governor by the appointment of another delegate of the political party of the delegate causing the vacancy.

Sec. 3(c). Submission of proposal adopted by convention—time of election—effective date.—Any proposed Constitution or constitutional amendment adopted by the convention shall be submitted to a vote of the electors of the state at such time, in such manner and containing such separate and alternative propositions and on such official ballot as may be provided by the convention, at a special election not less than sixty days nor more than six months after the adjournment of the convention. Upon the approval of the Constitution or constitutional amendments the same shall take effect at the end of thirty days after the election. The result of the election shall be proclaimed by the Governor.

SCHEDULE

Sec. 1. Supersession of prior constitutional provisions.—The Constitution of 1875 and all amendments thereto except as hereinafter provided shall be superseded by this Constitution.

Sec. 2. Effect on existing laws.—All laws in force at the time of the adoption of this Constitution and consistent therewith shall remain in full force and effect until amended or repealed by the general assembly. All laws inconsistent with this Constitution, unless sooner repealed or amended to conform with this Constitution, shall remain in full force and effect until July 1, 1946.

Sec. 3. Effect on existing terms of office.—The terms of all persons holding public office to which they have been elected or appointed at the time this Constitution shall take effect shall not be vacated or otherwise affected thereby.

Sec. 4. Effect on certain existing courts.—All courts of common pleas now existing, the St. Louis courts of criminal correction, and all circuit court circuits as now established, shall continue until changed or abolished by law. The justices of the peace shall continue to hold their offices and receive the emoluments thereof until their terms of office expire, upon which their records shall be transferred to the magistrate courts.

Sec. 5. Effect on existing rights, claims, etc.—All rights, claims, causes of action and obligations existing and all contracts, prosecutions, recognizances and other instruments executed or entered into and all indictments which shall have been found and informations which shall have been filed and all actions which shall have been instituted and all fines, taxes, penalties and forfeitures assessed, levied, due or owing prior to the adoption of this Constitution shall continue to be as valid as if this Constitution had not been adopted.

Sec. 6. Reimbursement for expenses of constitutional election.—The general assembly shall appropriate out of the general revenue fund of the state a sum sufficient to reimburse the various counties for the sums legally and properly paid by them to the judges and clerks of the special election called for the purpose of adopting or rejecting this Constitution.

PROPOSED AMENDMENTS TO THE CONSTITUTION

Proposal: To authorize new apportionment of proceeds of gasoline tax. Proposed by General Assembly in 1961. Would add new Sections 30(a) and 30(b) in lieu of existing Section 30, Article IV, as follows:

Sec. 39(a). 1. On and after the first day of the month next following the adoption of this section,

tax upon or measured by fuel used for propelling highway motor vehicles shall be levied and collected as provided by law. Any amount of the tax collected with respect to fuel not used for propelling highway motor vehicles shall be refunded by the state in the manner provided by law. The remaining net proceeds of the tax, after deducting costs of collection,

apportionment and making refunds shall be apportioned between the counties, cities and the state as hereinafter provided and shall stand appropriated without legislative action for the following purposes:

(1) Five per cent of the remaining net proceeds shall be deposited in a special trust fund known as the "County Aid Road Trust Fund" which shall be credited to the various counties of the state on the following basis: One-half on the ratio that the county road mileage of each county bears to the county road mileage of the entire state as determined by the last available report of the state highway commission and one-half on the ratio that the rural land valuation of each county bears to the rural land valuation of the entire state as determined by the last available report of the state tax commission, except that county road mileage in incorporated villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be excluded in such determination, except that, if the assessed valuation of rural lands in any county is less than five million dollars, the county shall be treated as having an assessed valuation of five million dollars. The funds credited to each county shall be used by the county solely for the construction, reconstruction, maintenance and repairs of roads, bridges and highways, and subject to such other provisions and restrictions as provided by law. In the absence of other controls provided by law, the state highway commission shall prescribe policy, rules and requirement for the expenditure of these funds by counties, including, among other things, highway commission approval of plans for projects on which the funds are to be used. In counties having the township form of county organization, the funds credited to such counties shall be expended solely under the control and supervision of the County Court, and shall not be expended by the various townships located within such counties. "Rural land" as used in this section shall mean all land located within any county, except land in incorporated villages, towns, or cities.

(2) Fifteen per cent of the remaining net proceeds shall be allocated to the various incorporated cities, towns and villages within the state having a population of more than two hundred according to the last preceding federal decennial census, solely for construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the payment of principal and interest on indebtedness incurred prior to the effective date of this section on account of road and street purposes, and the use thereof being subject to such other provisions and restrictions as provided by law. The amount apportionable to each city, town or village shall be based on the ratio that the population of the city, town or village bears to the population of all incorporated cities, towns or villages in the state having a like population, as shown by the last federal decennial census, provided that any city, town or village which had a motor fuel tax prior to the adoption of this section shall annually receive not less than an amount equal to the net revenue derived therefrom in the year 1960; and

(3) All the remaining net proceeds in excess of the allocations to counties, and to cities, towns and villages under this section shall be allocated to the state and shall be disbursed as provided in section 30 (a) and (b) of Article IV of this Constitution.

2. The director of revenue of the state shall make the division and apportionment of the funds

monthly in the manner required hereby.

3. Except for taxes or licenses which may be imposed uniformly on all merchants or manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee upon, measured by or with respect to the importation, receipt, manufacture, storage, transportation, sale or use, on or after the first day of the month next following the adoption of this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is approved by a vote of the people of any city, town or village subsequent to the adoption of this section, by a two-thirds majority. All funds collected shall be used solely for construction, reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets and for the payment of principal and interest on indebtedness incurred prior to the effective date of this section on account of road and street purposes.

Sec. 30 (b). For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), less the cost (1) of collection thereof, (2) of maintaining the commission, (3) of maintaining the highway department, (4) of any workmen's compensation, (5) of the share of the highway department in any retirement program for state employees as may be provided by law, (6) and of administering and enforcing any state motor vehicle laws or traffic regulations, and less refunds and that portion of the fuel tax revenue to be allocated to counties and to cities, towns and villages under section 30(a) of Article IV of this Constitution, shall be credited to a special fund and stand appropriated without legislative action for the following purposes, and no other:

First, to the payment of the principal and interest on any outstanding state road bonds.

Second, any balance in excess of the amount necessary to meet the payment of the principal and interest of any state road bonds for the next succeeding twelve months shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

(1) To complete and widen or otherwise improve and maintain the state system of highways heretofore designated and laid out under existing laws;

(2) To reimburse the various counties and other political subdivisions of the state, except incorporated cities and towns, for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the state as permanent parts of the system of state highways, to the extent of the value to the state of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, except that the commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision

to expedite state road construction or improvement;

(3) In the discretion of the commission to locate, relocate, establish, acquire, construct and maintain the following:

(a) supplementary state highways and bridges in each county of the state as hereinafter provided;

(b) state highways and bridges in, to and through state parks, public areas and reservations, and state institutions now or hereafter established, and connect the same with the state highways; and also national, state or local parkways, travelways, tourways, with coordinated facilities;

(c) any tunnel or interstate bridge or part thereof, where necessary to connect the state highways of this state with those of other states;

(d) any highway within the state when necessary to comply with any federal law or requirement which is or shall become a condition to the receipt of federal funds;

(e) any highway in any city or town which is found necessary as a continuation of any state or federal highway, or any connection therewith, into and through such city or town; and

(f) additional state highways, bridges and tunnels, outside the corporate limits of cities having a population in excess of one hundred fifty thousand, either in the congested traffic areas of the state or where needed to facilitate and expedite the movement of through traffic.

(4) To acquire materials, equipment and buildings necessary for the purposes herein described; and

(5) For such other purposes and contingencies relating and appertaining to the construction and maintenance of such highways and bridges as the commission may deem necessary and proper.

Proposal: To authorize any political subdivision to pension its employees. Proposed by General Assembly in 1961. Would change Section 25 of Article VI to read as follows:

Sec. 25. No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation, except that the general assembly may authorize any political subdivision to provide for the retirement or pensioning of its officers and employees and the widows and children of deceased officers and employees and may also authorize payments from any public funds into a fund or funds for paying benefits upon retirement, disability or death to persons employed and paid out of any public fund for educational services and to their beneficiaries or estates; and except also that any county of the first class is authorized to provide for the creation and establishment of death benefits, pension and retirement plans for all its salaried employees, and the widows and minor children of such deceased employees.

Proposal: To permit St. Louis City and St. Louis County to increase revenue tax. Proposed by General Assembly in 1961. Would change Section 11(b) of Article X to read as follows:

Sec. 11(b). Any tax imposed upon such property by municipalities, counties or school districts, for their respective purposes, shall not exceed the following annual rates:

For municipalities--one dollar on the hundred

dollars assessed valuation;

For counties--thirty-five cents on the hundred dollars assessed valuation in counties having three hundred million dollars, or more, assessed valuation and not having a charter form of government; and fifty cents on the hundred dollars assessed valuation in all other counties;

For school districts formed of cities and towns--one dollar on the hundred dollars assessed valuation;

For all other school districts--sixty-five cents on the hundred dollars assessed valuation.

In addition to the amount above provided, in counties of the first class having a charter form of government--one dollar on the hundred dollars assessed valuation on all property in the county, to be apportioned by the county board of education among all common, city, town, consolidated and reorganized school districts in the county on the basis of average daily attendance of children resident in the school districts and in the county during the school year preceding each year in which the tax is collected; provided the tax is first approved by the majority of voters of the county voting on the imposition thereof at an election called for that purpose, the holding of the election and the assessment, collection and distribution of the tax to be in the manner prescribed by law.

Proposal: To permit taxation for airports in political subdivisions. Proposed by General Assembly in 1961. Would change Section 11(c) of Article X to read as follows:

Sec. 11(c). In all municipalities, counties and school districts the rates of taxation as herein limited may be increased for their respective purposes for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the qualified electors voting thereon shall vote therefor; provided in school districts the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed one year, when the rate period of levy and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting therein shall vote therefor; provided in school districts in cities of seventy-five thousand inhabitants or over the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed two years, when the rate period of levy and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor; provided, that the rates herein fixed, and the amounts by which they may be increased, may be further limited by law; and provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for library, hospital, public health, airport purposes, recreation grounds, and museum purposes; and in counties of the third and fourth classes university extension division.

Proposal: To allow use of public money for public school teachers pension. Proposed by General Assembly in 1961. Would change Section 38(a) of Article III to read as follows:

Sec. 38(a). The general assembly shall have no power to grant public money or property, or lend or authorize the lending of public credit, to any private person, association or corporation, excepting aid in public calamity, and general laws providing for pensions for the blind, for old age assistance, for aid to dependent or crippled children or the blind, for the pensioning of or increasing the pension of public school teachers heretofore or hereafter retired, for direct relief, for adjusted compensation, bonus or rehabilitation for discharged members of the armed services of the United States who were bona fide residents of this state during their service, and for the rehabilitation of other persons. Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States.

Proposal: To permit increase of St. Louis city school tax, with limitation. Proposed by General Assembly in 1961. Would change Section 11(c) of Article X to read as follows:

Sec. 11(c). In all municipalities, counties and school districts, except school districts in cities of seven hundred thousand inhabitants or over, the rates of taxation as herein limited may be increased for their respective purposes for not to exceed four years, when the rate and purpose of the increase are submitted to a vote and two-thirds of the qualified electors voting thereon shall vote therefor; provided in school districts the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed one year, when the rate period of levy and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor; provided in school districts in cities of seventy-five thousand inhabitants or over the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed two years, when the rate period of levy and the purpose of the increase are submitted to a vote and a majority of the qualified electors voting thereon shall vote therefor; provided in school districts in cities of seven hundred thousand inhabitants or over the rate of taxation as herein limited may be increased for school purposes so that the total levy shall not exceed three times the limit herein specified and not to exceed four years when the rate period of levy and the purpose of the increase are submitted to a vote and four-sevenths of the qualified electors voting thereon shall vote therefor; provided, that the rates herein fixed, and the amounts by which they may be increased may be further limited by law; and provided further, that any county or other political subdivision, when authorized by law and within the limits fixed by law, may levy a rate of taxation on all property subject to its taxing powers in excess of the rates herein limited, for library, hospital, public health, recreation grounds and museum purposes.

Proposal: To establish permanent joint committee to review rules and regulations of administrative agencies. Proposed by General Assembly in 1961. Would add new Section 35a to Article III as follows:

Sec. 35a. There shall be a permanent joint com-

mittee for the purpose of reviewing rules and regulations promulgated under any statute of this state by any board or other administrative agency of the executive department, selected by and from the members of each house as provided by law. The General Assembly, by a majority vote of the elected members may discharge any or all of the members of the committee at any time and select their successors. The committee shall meet when necessary to perform the duties assigned to it by law. The members of the committee shall receive no compensation in addition to their salary as members of the General Assembly, but may receive their necessary expenses while attending the meetings of the committee. The committee shall review all rules and regulations filed in the office of the secretary of state under section 16 of Article IV of this Constitution and if it finds that any such rule is not authorized by law or is out of harmony with the objectives of the law under which it was promulgated, it shall report such finding to the General Assembly as promptly as possible. The General Assembly may by concurrent resolution suspend any such rule or regulation or any part thereof until such time as an act amending or repealing the law under which the rule or regulation was adopted can become effective under section 29, Article III, but no rule or regulation promulgated under authority granted by this Constitution shall be suspended or otherwise affected by any action under this section.

Proposal: To broaden the powers of St. Louis County. Proposed by General Assembly in 1961. Would change Sections 15 and 18(c) of Article VI to read as follows:

Sec. 15. The general assembly shall provide by general laws for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions, except as otherwise provided in this constitution. The general assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

Sec. 18(c). Such county which has adopted such charter shall have and may exercise all necessary legislative, administrative and local judicial power, pertaining to public health and safety, police and traffic, creation and establishment of pension and retirement plans for all county employees, and the widows and minor children of deceased employees, building construction, planning and zoning; public water supply, county roads and highways, streets, sidewalks, street lighting, sewers, sewage disposal facilities, garbage and refuse collection and disposal and such other and additional kindred governmental services, power or powers as may be useful or convenient as well as germane to the purposes aforesaid in the part of the county outside of incorporated cities; and such county shall have the additional power and authority to provide any of such services and functions for any incorporated municipality, or political subdivision in the county, except school districts, when contracted for by the proper officials of the county under one or more

necessary ordinances and by ordinance of such municipality or other political subdivision requiring such services. By a majority vote of the qualified electors voting thereon in the entire county, inside as well as outside the incorporated municipalities, the charter may provide for the vesting and exercise of all necessary legislative, administrative and local judicial power pertaining to public health and

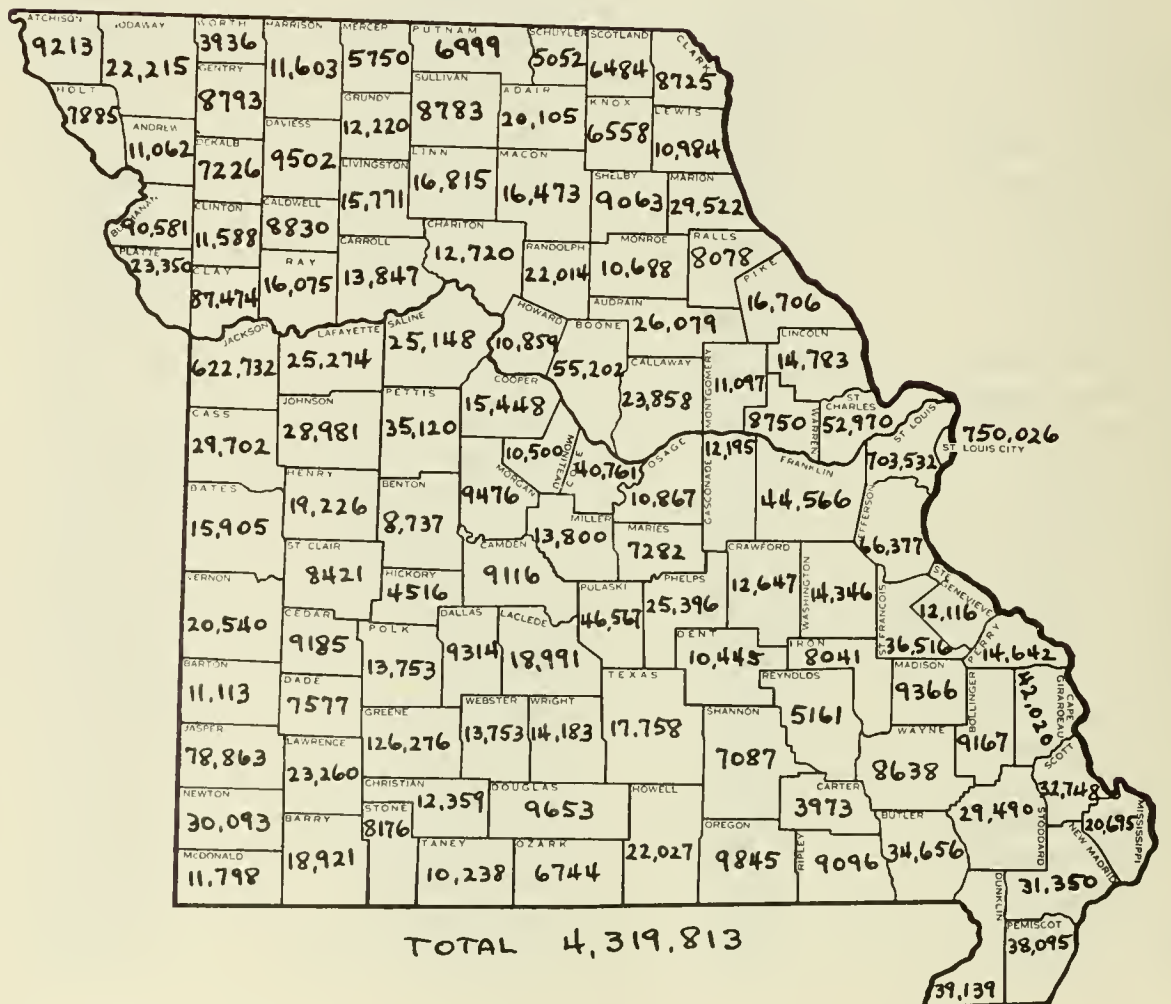
safety, recreational facilities and parks owned by the county, construction, maintenance and regulation of arterial roads and highways, garbage and refuse disposal, civil defense, public water supply, ownership and regulation of public transportation in the entire county inside as well as outside incorporated municipalities.

MISSOURI CITIES ABOVE 2000 POPULATION (1960 Census)

| | | | | | |
|--------------------------------|---------|----------------------------------|-------|---------------------------------|-------|
| 1. St. Louis | 750,026 | 55. Boonville | 7,090 | 110. Bolivar | 3,512 |
| 2. Kansas City | 475,539 | 56. Glendale | 7,048 | 111. Harrisonville | 3,510 |
| 3. Springfield | 95,865 | 57. Festus | 7,021 | 112. Fredericktown | 3,484 |
| 4. St. Joseph | 79,673 | 58. Clinton | 6,925 | 113. Valley Park | 3,452 |
| 5. Independence | 62,328 | 59. Webb City | 6,740 | 114. East Prairie | 3,449 |
| 6. University City | 51,249 | 60. Rock Hill | 6,523 | 115. Hanley Hills | 3,308 |
| 7. Joplin | 38,958 | 61. Kinloch | 6,501 | 116. Fayette | 3,294 |
| 8. Florissant | 38,166 | 62. Excelsior Springs | 6,473 | 117. Bonne Terre | 3,219 |
| 9. Columbia | 36,650 | 63. Breckenridge Hills | 6,299 | 118. Centralia | 3,200 |
| 10. Kirkwood | 29,421 | 64. Trenton | 6,262 | 119. Mountain Grove | 3,176 |
| 11. Webster Groves | 28,990 | 65. Woodson Terrace | 6,048 | 120. Eldon | 3,158 |
| 12. Jefferson City | 28,228 | 66. Hazelwood | 6,045 | 121. Moline Acres | 3,132 |
| 13. Cape Girardeau | 24,974 | 67. Grandview | 6,027 | 122. Frontenac | 3,089 |
| 14. Sedalia | 23,874 | 68. Pine Lawn | 5,943 | 123. Vandalia | 3,055 |
| 15. Overland | 22,763 | 69. Charleston | 5,911 | 124. Palmyra | 2,933 |
| 16. Ferguson | 22,149 | 70. West Plains | 5,836 | 125. Marceline | 2,872 |
| 17. St. Charles | 21,189 | 71. DeSoto | 5,804 | 126. New Madrid | 2,867 |
| 18. Hannibal | 20,028 | 72. Ballwin | 5,710 | 127. Eldorado Springs | 2,864 |
| 19. Jennings | 19,965 | 73. Brookfield | 5,694 | 128. Chaffee | 2,862 |
| 20. Berkeley | 18,676 | 74. North Kansas City | 5,657 | 129. Potosi | 2,805 |
| 21. Raytown | 17,083 | 75. Farmington | 5,618 | 130. Pacific | 2,795 |
| 22. Poplar Bluff | 15,926 | 76. Dexter | 5,519 | 131. California | 2,788 |
| 23. Richmond Heights | 15,622 | 77. Monett | 5,359 | 132. Hillsdale | 2,788 |
| 24. Clayton | 15,245 | 78. Creve Coeur | 5,122 | 133. Bethany | 2,771 |
| 25. Gladstone | 14,502 | 79. Perryville | 5,117 | 134. Slater | 2,767 |
| 26. Sikeston | 13,765 | 80. Pagedale | 5,106 | 135. Wentzville | 2,742 |
| 27. Bellefontaine | | 81. Malden | 5,007 | 136. Ellisville | 2,732 |
| Neighbors | 13,650 | 82. Belton | 4,897 | 137. Windsor | 2,714 |
| 28. Moberly | 13,170 | 83. Jackson | 4,875 | 138. St. Clair | 2,711 |
| 29. Kirksville | 13,123 | 84. Lexington | 4,845 | 139. Pleasant Hill | 2,689 |
| 30. Mexico | 12,889 | 85. Shrewsbury | 4,730 | 140. Sugar Creek | 2,663 |
| 31. Maplewood | 12,552 | 86. Dellwood | 4,720 | 141. Bowling Green | 2,650 |
| 32. Brentwood | 12,250 | 87. Northwoods | 4,701 | 142. Canton | 2,562 |
| 33. St. Ann | 12,155 | 88. Aurora | 4,683 | 143. Blue Springs | 2,555 |
| 34. Carthage | 11,264 | 89. Richmond | 4,604 | 144. Hermann | 2,536 |
| 35. Rolla | 11,132 | 90. Carrollton | 4,554 | 145. Portageville | 2,505 |
| 36. Fulton | 11,131 | 91. Macon | 4,547 | 146. Savannah | 2,455 |
| 37. Crestwood | 11,106 | 92. Flat River | 4,515 | 147. Bel-Nor | 2,388 |
| 38. Warrensburg | 9,689 | 93. Normandy | 4,452 | 148. St. James | 2,384 |
| 39. Marshall | 9,572 | 94. Ste. Genevieve | 4,443 | 149. Mount Vernon | 2,381 |
| 40. Ladue | 9,466 | 95. Bel-Ridge | 4,395 | 150. Owensville | 2,379 |
| 41. Chillicothe | 9,236 | 96. Des Peres | 4,362 | 151. Waynesville | 2,377 |
| 42. Kennett | 9,098 | 97. Louisiana | 4,286 | 152. Monroe City | 2,337 |
| 43. Liberty | 8,909 | 98. Sullivan | 4,098 | 153. Desloge | 2,308 |
| 44. Caruthersville | 8,643 | 99. Higginsville | 4,003 | 154. Steele | 2,301 |
| 45. Nevada | 8,416 | 100. Union | 3,937 | 155. Knob Noster | 2,292 |
| 46. Lees Summit | 8,267 | 101. Salem | 3,870 | 156. Marshfield | 2,221 |
| 47. Olivette | 8,257 | 102. Butler | 3,791 | 157. Vinita Park | 2,204 |
| 48. Lebanon | 8,220 | 103. O'Fallon | 3,770 | 158. Kahoka | 2,160 |
| 49. Wellston | 7,979 | 104. Hayti | 3,737 | 159. Tarkio | 2,160 |
| 50. Washington | 7,961 | 105. Riverview | 3,706 | 160. Memphis | 2,106 |
| 51. Bridgeton | 7,820 | 106. Crystal City | 3,678 | 161. Shelbina | 2,067 |
| 52. Maryville | 7,807 | 107. Cameron | 3,674 | 162. Versailles | 2,047 |
| 53. Neosho | 7,452 | 108. Lamar | 3,608 | 163. Odessa | 2,034 |
| 54. St. John | 7,342 | 109. Sunset Hills | 3,525 | 164. Manchester | 2,021 |

POPULATION OF MISSOURI COUNTIES (1960 Census)

| | | | | | |
|-------------------------------|---------|------------------------------|--------|-------------------------|-------|
| 1. St. Louis City | 750,026 | 62. Grundy | 12,220 | 89. Shelby | 9,063 |
| 2. St. Louis County | 703,532 | 63. Gasconade | 12,195 | 90. Caldwell | 8,830 |
| 3. Jackson | 622,732 | 64. Ste. Genevieve | 12,116 | 91. Gentry | 8,793 |
| 4. Greene | 126,276 | 65. McDonald | 11,798 | 92. Sullivan | 8,783 |
| 5. Buchanan | 90,581 | 66. Harrison | 11,603 | 93. Warren | 8,750 |
| 6. Clay | 87,474 | 67. Clinton | 11,588 | 94. Benton | 8,737 |
| 7. Jasper | 78,863 | 68. Barton | 11,113 | 95. Clark | 8,725 |
| 8. Jefferson | 66,377 | 69. Montgomery | 11,097 | 96. Wayne | 8,638 |
| 9. Boone | 55,202 | 70. Andrew | 11,062 | 97. St. Clair | 8,421 |
| 10. St. Charles | 52,970 | 71. Lewis | 10,984 | 98. Stone | 8,176 |
| 11. Pulaski | 46,567 | 72. Osage | 10,867 | 99. Ralls | 8,078 |
| 12. Franklin | 44,566 | 73. Howard | 10,859 | 100. Iron | 8,041 |
| 13. Cape Girardeau | 42,020 | 74. Monroe | 10,688 | 101. Holt | 7,885 |
| 14. Colorado | 40,761 | 75. Moniteau | 10,500 | 102. Dade | 7,577 |
| 15. Dunklin | 39,139 | 76. Dent | 10,445 | 103. Maries | 7,282 |
| 16. Pemiscot | 38,095 | 77. Taney | 10,238 | 104. DeKalb | 7,226 |
| 17. St. Francois | 36,516 | 78. Oregon | 9,845 | 105. Shannon | 7,087 |
| 18. Pettis | 35,120 | 79. Douglas | 9,653 | 106. Putnam | 6,999 |
| 19. Butler | 34,656 | 80. Daviess | 9,502 | 107. Ozark | 6,744 |
| 20. Scott | 32,748 | 81. Morgan | 9,476 | 108. Knox | 6,558 |
| 21. New Madrid | 31,350 | 82. Madison | 9,366 | 109. Scotland | 6,484 |
| 22. Newton | 30,093 | 83. Dallas | 9,314 | 110. Mercer | 5,750 |
| 23. Cass | 29,702 | 84. Atchison | 9,213 | 111. Reynolds | 5,161 |
| 24. Marion | 29,522 | 85. Cedar | 9,185 | 112. Schuyler | 5,052 |
| 25. Stoddard | 29,490 | 86. Bollinger | 9,167 | 113. Hickory | 4,516 |
| 26. Johnson | 28,981 | 87. Camden | 9,116 | 114. Carter | 3,973 |
| 27. Audrain | 26,079 | 88. Ripley | 9,096 | 115. Worth | 3,936 |
| 28. Phelps | 25,396 | | | | |
| 29. Lafayette | 25,274 | | | | |
| 30. Saline | 25,148 | | | | |
| 31. Callaway | 23,858 | | | | |
| 32. Platte | 23,350 | | | | |
| 33. Lawrence | 23,260 | | | | |
| 34. Nodaway | 22,215 | | | | |
| 35. Howell | 22,027 | | | | |
| 36. Randolph | 22,014 | | | | |
| 37. Mississippi | 20,695 | | | | |
| 38. Vernon | 20,540 | | | | |
| 39. Adair | 20,105 | | | | |
| 40. Henry | 19,226 | | | | |
| 41. Laclede | 18,991 | | | | |
| 42. Barry | 18,921 | | | | |
| 43. Texas | 17,758 | | | | |
| 44. Linn | 16,815 | | | | |
| 45. Pike | 16,706 | | | | |
| 46. Macon | 16,473 | | | | |
| 47. Ray | 16,075 | | | | |
| 48. Bates | 15,905 | | | | |
| 49. Livingston | 15,771 | | | | |
| 50. Cooper | 15,448 | | | | |
| 51. Lincoln | 14,783 | | | | |
| 52. Perry | 14,642 | | | | |
| 53. Washington | 14,346 | | | | |
| 54. Wright | 14,183 | | | | |
| 55. Carroll | 13,847 | | | | |
| 56. Miller | 13,800 | | | | |
| 57. Polk | 13,753 | | | | |
| 58. Webster | 13,753 | | | | |
| 59. Chariton | 12,720 | | | | |
| 60. Crawford | 12,647 | | | | |
| 61. Christian | 12,359 | | | | |



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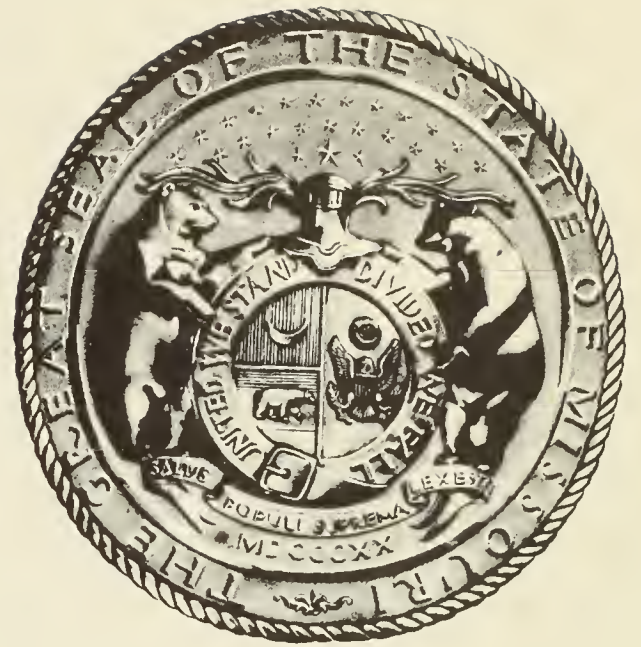
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State Flag, adopted 1913



Great Seal, adopted 1821

Admitted to Union 10 August 1821, as 24th State.
 Population (1960): 4,319,813; rank in U.S.--13th.
 Area: 69,415 sq. miles (44,304,640 acres); rank in U.S.--18th.
 Farm land (1954): 34,195,379 acres.
 Number of farms (1954): 201,614.
 Average size of farms (1954): 169.6 acres.
 Forests: 15,000,000 acres.
 Rivers: 11,000 miles of permanently flowing streams;
 1000 miles of commercially navigable streams.
 All-weather highways (1960): 29,411 miles.
 Major railroad mileage (1958): 6607 miles.
 Radio stations (1960): 80.
 Television stations (1960): 18.

State Flower: Hawthorn (crataegus), adopted 1923.
 State Bird: Bluebird (sialia sialis), adopted 1927.
 State Song: "Missouri Waltz", adopted 1949.
 State Tree: Flowering Dogwood (Cornus florida L.), adopted 1955.



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